

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 EUGENE DIVISION

4 THE HON. MICHAEL J. McSHANE, JUDGE PRESIDING

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6
7 UNITED STATES OF AMERICA,)

8 Government,)

9 v.)

No. 6:14-cr-00482-MC-1

10 DANIEL STEPHEN JOHNSON,)

11 Defendant.)

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14 REPORTER'S TRANSCRIPT OF PROCEEDINGS

15 EUGENE, OREGON

16 WEDNESDAY, MAY 2, 2018

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PROCEEDINGS

WEDNESDAY, MAY 2, 2018

THE COURT: You don't have to stand. Who is our next witness?

MR. SWEET: The next witness is Suzy Brand, Your Honor.

THE COURT: Okay. We are ready for the jury. All right. We'll bring them in.

MR. SWEET: Actually, Your Honor, can I have 35 seconds to clean up before we bring the jury in, please?

THE COURT: Yes.

MR. WEINERMAN: And Judge, I may want to make some preemptive objections. I don't know exactly where counsel is going with her, but I am looking at her 302 and there seems to be a number of things that the government asks her to testify to that would be objectionable.

So let me -- well, like many witnesses, she apparently can testify that there was a disclosure of sexual abuse by BT XXXXXXXX. We would object to that on hearsay.

She also had numerous phone conversations with PE XXXXXXXX. We would also object to that as hearsay.

She kind of characterizes things she sees without -- going beyond describing what she saw. She kind of reads into it what it is. So let me give you an example here.

13:19:20 1 She thought it was weird that one evening she saw
2 Daniel sleeping in a mosquito net with two of the boys. She
3 thought it was weird. We would object to that
4 characterization.

5 She apparently is going to testify that Daniel
6 Johnson tried to separate the English-speaking boys from the
7 Brands. That seems to me it calls for speculation how she
8 would know that, so we object to that.

9 I have a few others, so bear with me, please.

10 She apparently is going to testify that
11 Mr. Johnson wanted nothing to do with God or the ministry.
12 We object to that on relevancy and 403 grounds, and calling
13 for a conclusion and calling for speculation.

14 That he didn't participate in Bible stories,
15 church songs, and didn't go to church. We would object to
16 that.

17 And then she is also -- in this 302, talks about
18 things she has heard about Mr. Johnson from various sources,
19 not even alleged victims in the case. Her cousin, Melody.

20 She heard rumors that Johnson misappropriated
21 money. It seems to me that that's objectionable as being
22 speculative, calling for a conclusion, lack of personal
23 knowledge.

24 She heard that LT XXXXXXXX went back to live with
25 his mom. That would seem to be hearsay.

13:21:03 1 She heard that LT XXXXXXXX was sexually abused by
2 Johnson. That seems to be also hearsay, lack of firsthand
3 knowledge.

4 She apparently is willing to say that LS XXXXX was
5 Johnson's favorite boy and got everything he wanted. You
6 know, again, that calls for conclusion and speculation.

7 And she is going to get into this, and I think
8 Ms. Comstock got into this, in that how she thought it was
9 strange that Daniel would sometimes -- Daniel Johnson, I'm
10 sorry -- would sometimes walk around with just a very thin
11 towel around his waist. We just don't think that that's
12 relevant.

13 So those are our preliminary objections to the
14 testimony.

15 THE COURT: All right. Mr. Sweet, I assume you
16 are expecting that the hearsay statements and her
17 speculation based on observations would generally stay out?

18 MR. SWEET: Yes, Your Honor. And I think I can
19 respond more or less one by one because there are a couple
20 that needed clarification.

21 Statements from PE XXXXXXXX or BT XXXXXXXX, I agree
22 at this point there's been no impeachment of them so there's
23 been no prior consistent statement.

24 The cousin or nephew [sic], Melody, same thing;
25 nothing from her.

13:22:31 1 Rumors regarding Daniel Johnson, we are not
2 intending on asking about that.

3 I am not sure how she knows about LT XXXXXXXX
4 leaving. That wasn't something I planned on asking her
5 about.

6 THE COURT: Okay.

7 MR. SWEET: Whether she starts to talk about that
8 as part of something else, I don't -- we can certainly stop
9 her. But that was wasn't an intended question.

10 What we do want to get into, Your Honor, is her
11 specific observation that Mr. Johnson at night was lying
12 down with both LS X and RT XX under -- basically cradling
13 each of them. And she can talk about her observation of him
14 cradling, and she can talk about her observations of other
15 people cradling; the differences, how she felt about it, and
16 how she thought they were essentially rewarded the next day
17 for sleeping with him.

18 So I think she has more than just, "I thought that
19 was weird." She has thoughts and opinions based on her
20 experience as a parent and what she saw. So I would ask
21 that that come in.

22 Regarding being kept separate from the boys, you
23 know, to the extent she can say it appeared that Daniel
24 Johnson was trying to keep certain boys away from us or from
25 being alone with us, I think that's -- I think that's

13:23:43 1 appropriate, given, I am sure, legitimate concern about
2 disclosure.

3 Likewise, to the extent she talks about
4 Mr. Johnson -- and I think she will -- not really
5 participating in the ministry, that it was Pastor Sopheak
6 who was doing these things and Mr. Johnson was not really
7 part of it, well, part of his defense, Your Honor, is that
8 he is traveling over there for the ministry, so we think
9 that is relevant.

10 LS X. LS X getting gifts. She has a specific
11 example of when LS X got special treatment for gifts. I
12 don't think that's speculative.

13 The towel. She can talk about how many people she
14 saw wearing towels in Cambodia like Mr. Johnson.

15 And finally, the money. She did loan -- or, I
16 think, gave a large amount of money to Mr. Johnson. That is
17 not the focus of what we are talking about. It certainly
18 may come up. But to the extent she gave money for a certain
19 purpose and she believes that money wasn't used for that, I
20 think that's something that she could go into.

21 But, again, that's not the focus of what we are
22 talking about. I expect the defense to potentially raise
23 it. But she did provide money for certain boys and for
24 certain projects, and apparently that didn't -- that money
25 may not have been used for the ministry but for other

13:25:06 1 purposes.

2 THE COURT: Okay.

3 MR. WEINERMAN: So, Judge, I have no issue with
4 observations; what she sees, hears, thinks -- but what she
5 thinks about things she sees, what her opinions are, it just
6 seems to me that that is not relevant and she is not
7 qualified. At least it's not relevant. And she is not
8 qualified, in essence, to make these opinions, what's
9 normal, what's not normal. So we don't think anything
10 falling in the realm of thoughts and opinions about things
11 that she sees should come in.

12 THE COURT: I think to a degree that's true, but
13 often observations are based on or remembered because there
14 was something unusual about the situation. And I think she
15 can testify that she felt -- she remembered an event; for
16 instance, maybe seeing Mr. Johnson in a towel, as an unusual
17 set of circumstances that caught her attention and made her
18 question what was going on.

19 But going into the deeper speculation about why
20 things were happening and what's underlying the motivation
21 for why they are happening, I agree, I would sustain
22 objections to that kind of speculation. But if something
23 caught her as odd or unusual, I think she can testify as to
24 that.

25 I would sustain objections to statements by BT

13:26:21 1 XXXXXXXX or PE XXXXXXXX regarding prior abuse.

2 Rumors that she has heard from others would not
3 come in.

4 I think her testimony about Mr. Johnson's
5 participation in the ministry and church activities is
6 relevant to his motivation for being there, so I would allow
7 that testimony.

8 I think her -- the fact that she has given money
9 to the ministry and she feels wronged by how it was spent, I
10 would sustain relevance arguments as to that. Her
11 connection, though, to the ministry, that she supported it
12 financially when she was there, physically to support it,
13 she can testify to that.

14 MR. SWEET: Thank you, Your Honor.

15 THE COURT: All right. Have the jury in.

16 MR. SWEET: I am sorry. Were you asking us to
17 bring her in first?

18 THE COURT: Oh, you can bring her in now. That's
19 fine. Just have her in the courtroom. We will call her up
20 when the jury gets seated.

21 MR. SWEET: Okay.

22 *(Jury in.)*

23 THE COURT: All right. Please be seated
24 everybody.

25 Next witness, then, for the government.

13:28:58

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MR. SWEET: Thank you, Your Honor.

Your Honor, the government calls Suzy Brand.

THE COURT: Ms. Brand, if you could step up to the witness stand here to my left. Ms. Brand, go ahead and step up to the witness chair. Remain standing for just a moment and raise your right hand.

(The witness was sworn.)

THE COURT: Please have a seat. I am going to have you please state your full name for us, and spell your first and last name.

THE WITNESS: My first name is Suzanna,
S-U-Z-A-N-N-A. And my last name is Brand, B-R-A-N-D.

THE COURT: All right. Thank you, Ms. Brand.

Mr. Sweet?

MR. SWEET: Thank you, Your Honor.

And Your Honor, just as a preliminary matter, there are approximately 15 exhibits which I discussed with defense counsel which they have no objection to, that we are going to be going through with Ms. Brand. They are 2, 71, 4, 25, 31, 43, 50, 57, 58, 68, 78, 79, 120, 123, -4, and -5. I believe there's no objection to those being admitted and published.

THE COURT: If there's no objection, those will be admitted and published.

THE CLERK: Can you read that again? I am sorry.

13:30:21 1 MR. SWEET: Yes. I am going to give you a sheet.

2 THE CLERK: That would work.

3 MR. SWEET: I just need it back. Thank you,
4 Ms. Pew.

5 **DIRECT EXAMINATION**

6 BY MR. SWEET:

7 Q. Good afternoon, Ms. Brand.

8 A. Good afternoon.

9 Q. And Ms. Brand, you stated and spelled your name. And
10 do you have a nickname that you go by?

11 A. I do. Call me Suzy.

12 Q. And I am going to call you Ms. Brand, however, here
13 today.

14 Where do you live, please?

15 A. I live in Clovis, California, right next to Fresno,
16 California.

17 Q. And what do you do, please?

18 A. I am a public school teacher. I teach first grade at
19 an inner-city school.

20 Q. About how long have you been doing that?

21 A. Oh, I have been teaching probably for about eight
22 years.

23 Q. And do you have a family?

24 A. I do. I have a wonderful husband, Phillip, and three
25 little girls; five, three, and 15 months.

13:31:12 1 Q. And Ms. Brand, do you know Daniel Johnson?

2 A. I do.

3 MR. WEINERMAN: Your Honor, I am sorry to
4 object -- to interrupt, but can the witness speak a little
5 closer to the mic?

6 THE WITNESS: Oh, sure.

7 THE COURT: So that little button in front of you
8 is actually a microphone.

9 THE WITNESS: Oh, okay.

10 BY MR. SWEET:

11 Q. And do you know Daniel Johnson?

12 A. I do.

13 Q. Have you ever been to one of his orphanages in
14 Cambodia?

15 A. I have.

16 Q. Do you know about when it was that you went to
17 Cambodia?

18 A. I want to say in 2012.

19 Q. And about how many years before that did you first meet
20 Mr. Johnson?

21 A. I knew him for a couple years before that, maybe around
22 three. I really got to know him probably the year of 2012.
23 We became pretty good friends.

24 Q. And how is it that you first met him?

25 A. Daniel used to come to our church, and he would bring

13:32:04 1 videos of what he was doing in Cambodia and pictures of the
2 kids, and would tell us about all the needs that they had
3 overseas. And he was pretty much raising support to bring
4 back to support the kids.

5 Q. And did that strike a chord with you?

6 A. Oh, of course.

7 Q. And so did you become involved with Hope Transitions
8 Center?

9 A. I did. We started off just giving support, money.
10 Whenever he would come down, we would give him checks. And
11 then whenever he would come down we would take him to
12 dinner, hang out with him, find out everything there was to
13 know. He would tell us about the kids.

14 And he invited us one time. He -- we were at
15 dinner and he said, "You and Phillip love people very well."
16 He said, "You guys should come to Cambodia. The kids would
17 love you guys." So we did.

18 Q. And were you excited to hear that, that you were
19 invited?

20 A. I was. I was.

21 Q. And so when you said you were giving money, were you
22 sponsoring children?

23 A. I did. I sponsored Pong, I sponsored Ravy's. And then
24 if there was, you know, any bigger needs, like if they
25 needed to build a well. You know, we always gave wherever

13:33:17 1 there was a need.

2 Q. Approximately how much money were you giving a year?

3 A. Thousands.

4 Q. Thousands of dollars?

5 A. *(Nodded head.)*

6 Q. And what was your first impression of Mr. Johnson?

7 A. Well, what a great work that someone is doing, giving
8 up their life to go overseas to help these vulnerable
9 children. I wanted to be a part of it.

10 Q. And does your church play an important role in your
11 life, Ms. Brand?

12 A. It does.

13 Q. So did -- I believe you said you became friends with
14 Mr. Johnson and closer in 2012; is that right?

15 A. Yes.

16 Q. And do you know approximately what time of year you
17 went to Cambodia in 2012?

18 A. In the spring. I want to say like April. I want to
19 say April, actually.

20 Q. Okay. And who went on your trip, please?

21 A. My mom, my husband, and a friend of ours. We went to
22 the same church but we also worked at the same school
23 together. Her name is Nicole.

24 Q. So -- and your husband is Phillip Brand; is that right?

25 A. Yes.

13:34:27 1 Q. Okay. And Nicole and --

2 A. My mom.

3 Q. And your mom?

4 A. Mm-hmm.

5 Q. I am going to pull up, please, or ask that Exhibit 272

6 should be pulled up. And it should pop up to your left.

7 Do you recognize that?

8 A. There's no picture.

9 Oh, yes, I do.

10 Q. Okay. And what is -- what is that photo of, please?

11 A. That's the boys' home in Phnom Penh.

12 Q. Okay. And did you go there?

13 A. I did.

14 Q. And is that where you stayed?

15 A. No. We stayed across the street in the girls' home, I

16 would say like on the second floor.

17 Q. Did you regularly go to the boys' home?

18 A. Oh, yeah. Every day.

19 Q. And I want to show you Exhibit 71, please.

20 And do you remember this photo, Ms. Brand?

21 A. I do. That was at the boys' home.

22 Q. And do you know the boys in this photo?

23 A. I know all the boys.

24 Q. If you touch the screen, it should mark when you touch

25 them. Could you go ahead and identify the people in there,

13:35:30 1 please.

2 A. Yes. Here is RT XX, and CC X, PE XX, me, Nicole, Tola,
3 Pong, Wattana.

4 Q. Okay. And let's take a look at Exhibit 4, please.

5 And do you recognize those boys?

6 A. I do.

7 Q. And who are they, please?

8 A. ES XXX and LS X.

9 Q. And 31, please. Do you know that boy?

10 A. CC X.

11 Q. And 43, please.

12 Do you know who that is, please?

13 A. RT XX.

14 Q. And 50?

15 A. PE XX, Tola.

16 Q. PE XX is on the left, Tola is on the right?

17 A. Yes.

18 Q. And 57, please.

19 There's a name on there, so that helps.

20 A. LT XXXXXXXX.

21 (Reporter interrupted.)

22 THE WITNESS: LT XXXXXXXX.

23 BY MR. SWEET:

24 Q. Is it LT XXXXXXXXXXXXXXXXXXXXXXXX?

25 And does LT XXXXXXXX have a brother?

13:36:57 1 A. Yes.

2 Q. What's his brother's name?

3 A. RT XX.

4 Q. And 58, please.

5 Do you know those boys?

6 A. Mm-hmm. Pong, SESX.

7 Q. So Pong is on the left?

8 A. Yes. SESX is on the right.

9 Q. And do you also know the name SS XX for Pong?

10 Does that --

11 A. We called him Pong, so that's what I know him by.

12 Q. I understand.

13 And 68, please.

14 A. BT XX.

15 Q. And 78.

16 And do you know where this photograph was taken?

17 A. Mm-hmm. At the boys' home in Phnom Penh.

18 Q. And that looks like -- is that the ground floor?

19 A. Yes.

20 Q. And 79, please.

21 You are in there somewhere. Is that you in the

22 back?

23 A. Yes.

24 Q. Okay. And 123, please.

25 Do you know where this photo is from?

13:38:14 1 A. Yes. That's in Kampot.
2 Q. Is that a different province than the city of --
3 A. It is. It's more in the countryside.
4 Q. And did you ever go to Kampot?
5 A. I did.
6 Q. And 124, please.
7 Do you recognize that?
8 A. I think that's the girls' home, actually.
9 Q. Okay. How about 125?
10 A. Yes, that is the girls' home.
11 Q. And 120.
12 Do you recognize that room?
13 Sorry. Go ahead and have a drink of water.
14 A. I think that's at the boys' home.
15 Q. Do you know whose room that is?
16 A. I think it's Daniel's.
17 Q. Have you been in his room?
18 A. Yes.
19 Q. If we could go back to 125 for a second, it may not
20 have popped up for everyone. So let's go back to 125.
21 Do you recognize that?
22 A. No.
23 Q. Okay. Okay. Thank you.
24 Ms. Brand, what was your impression of -- well,
25 what was life like at the orphanage?

13:39:46 1 What was a typical day?

2 A. The boys would go to school.

3 MR. WEINERMAN: Objection, unless a foundation is
4 laid as to how many times she has been there, what she
5 observed.

6 THE COURT: All right. Do you want to ask
7 foundational questions?

8 BY MR. SWEET:

9 Q. Ms. Brand, how long were you at the orphanage in
10 Cambodia?

11 A. Almost three weeks.

12 Q. And did you have an opportunity to observe the boys go
13 about their daily activities?

14 A. Yes.

15 Q. What did you see them doing during those daily
16 activities?

17 A. When we first got there, the boys, they would go to
18 school in the morning. And then we actually did a lot of,
19 like, traveling. And we came there to do a lot of fun stuff
20 with the kids, so we went to the beach.

21 And we did ministry. We did ministry in Prey
22 Veng, we did ministry in Kampot, but we also saved time do a
23 lot of fun activities with the boys. Like we took them to
24 the arcade and we took them to the beach.

25 And we went to -- I don't know. It was like

13:40:45 1 another beach. So we also had fun with them, too. Took
2 them out for ice cream.

3 Q. And so you said Kampot. We talked a bit ago about
4 Kampot. Was that the place with the pink netting?

5 A. Yes.

6 Q. And is Prey Veng, is that a separate location?

7 A. Yes.

8 Q. And so you talked about ministry. Do religion and the
9 church play a large role in the boys' life of the boys at
10 the orphanage?

11 A. Yes.

12 Q. Could you describe that a little bit, please.

13 A. Yes. The boys absolutely love the Lord. They pray --
14 they will pray for anybody. They are always telling people
15 about Jesus. They are friendly. They are kind.

16 When we were in Phnom Penh one time, on the
17 ceiling [sic] we had a worship session and all the kids were
18 singing to God. And it just -- it was from that point on
19 where I was, like, in. They were singing and, I don't know,
20 I was like overwhelmed. And I just started to weep. And I
21 cried and I cried. And I didn't really know why, but I was
22 just like crying. And I just -- from that point on I said I
23 will always be a part of these kids' lives. It was just --
24 it was beautiful. It -- the way they sing.

25 Yeah, God is very important to them.

13:42:11 1 Q. And there are a couple boys we talked about. One of
2 them was BT XX. What was BT XX's role?

3 First, do you know BT XX's full name?

4 A. BT XXXXXXXXXXXX.

5 Q. Okay. And do you know his last name?

6 Do you know the last name BT X?

7 A. BT X, yes.

8 Q. And what was BT XXXXXXXX's role in the orphanage?

9 A. He helped Daniel a lot. He took us to the slums. He
10 took us in the tuk-tuks. He actually played like a
11 leadership role, I would say. Like Daniel, I think, trusted
12 him. And so he would, you know, take us around. And he
13 always rode with us and --

14 Q. You said a tuk-tuk. What is a tuk-tuk, please?

15 A. Tuk-tuk is like a little motor, and on the back it's --
16 there's an attachment. And you can sit in it and they take
17 you places all around the town.

18 Q. What -- do you know Pastor Sopheak?

19 A. I do.

20 Q. And what was his role, please?

21 A. Pastor Sopheak is incredible. He takes care of the
22 kids. He does Bible stories with them. He does worship
23 with them. He speaks Khmer. And he -- I feel like he did
24 mostly all of the church stuff, all of the Christian stuff.

25 Q. And what was Mr. Daniel Johnson, what was his role when

13:43:35 1 you were there?

2 A. Daniel would, like, set everything up. So like he
3 would say, Oh, we are going to be in this village from this
4 time to this time. And we would all go there together and
5 he would, like, book hotels and kind of tell us what we
6 would do at the places.

7 Q. Was he involved in the ministry with the boys like
8 Pastor Sopheak and BT XX?

9 A. No. Like he never did worship with us or Bible study,
10 or he didn't -- like when we were praying for sick people in
11 the village, he wasn't with us. Or when we went into the
12 slums, BT XX and PE XX took us.

13 Q. Did that surprise you?

14 A. Yes.

15 MR. WEINERMAN: Objection; relevancy.

16 THE COURT: Sustained.

17 BY MR. SWEET:

18 Q. How did Mr. Johnson treat the boys?

19 A. They had a roof over their head and they had clothes on
20 their back. When we first got to Phnom Penh, LS X was
21 curious and he was -- he came over to the girls' home. And
22 he was wanting to see my husband and talk to him, and just
23 being a curious little boy.

24 And Daniel came over and we were talking to him
25 and, like, doting over him. He was just the most adorable

13:44:56 1 thing you have ever seen. And Daniel looked at him and was
2 really angry and was like, "Why aren't you at school?" And
3 he, like, took him into the other room and, like, you could
4 hear him talking to him in Khmer and kind of being harsh
5 with him. And he spanked him. We didn't see it, but he
6 spanked him. And he came back into room --

7 MR. WEINERMAN: Objection; lack of personal
8 knowledge. If she didn't see it --

9 BY MR. SWEET:

10 Q. If you didn't see it -- I'm sorry.

11 If you didn't see it --

12 A. Well, we heard a spanking. We heard a spanking. And
13 he came into the room crying, and we gave him a hug.

14 And Daniel was like, you know, I just got to let
15 you know -- he was upset because he had skipped school. And
16 he was like, you know, I just got to let you know right off
17 the bat, you know, I have to be firm with these boys. And
18 they need it, and it's good for them. I said okay.

19 Q. And you said "Khmer." Is Khmer the national language
20 of Cambodia?

21 A. Yes.

22 Q. And how did the -- how did the boys act around
23 Mr. Johnson?

24 A. He was the boss. You don't talk back to him. You
25 don't question him. They respected him very much, but you

13:46:07 1 wouldn't dare talk back to him.

2 Q. And how did the boys behave, generally?

3 Were they out of control? Were they generally
4 well behaved? Were they just boys?

5 A. Like wild boys, but respectful to anybody that would
6 come in. Very -- you know, "What can I" -- "Can I get you
7 anything?" Or just very hospitable.

8 Q. And you said you stayed at the girls' dorm; is that
9 correct?

10 A. Yeah.

11 Q. About how many girls were there?

12 A. I want to say like four or five.

13 Q. And did you have an opportunity to observe Mr. Johnson
14 interact with the girls?

15 A. He really didn't.

16 Q. He didn't?

17 A. He didn't interact with the girls, really.

18 Q. Did you see him around them much at all?

19 A. I mean, they would come and eat, but not really.

20 Q. What about -- did Mr. Johnson seem to have some
21 children who were favorites or that he gave more attention
22 to than others?

23 A. Yes.

24 Q. And who were those, that you observed?

25 A. I would say RT XX, SO XXX, and especially LS X.

13:47:27 1 Q. And what makes you say that?

2 What treatment makes you say that?

3 A. LS X never really had to do -- like if all the boys had
4 to clean or like move stuff, he really never had to do that.
5 When we traveled to Kampot in the truck, all the boys were
6 in the back and LS X got to sit in front with the air
7 conditioning.

8 When we were there, one of the ministries brought
9 all kinds of stuff and clothes and toys, and LS X got to
10 pick what he wanted first. And, yeah, he just -- of
11 everyone, I felt like he got -- was treated the best.

12 Q. What about -- did you have any observations regarding
13 SO XXX or RT XX?

14 A. Yeah. He didn't -- I never -- with the older boys, he
15 was pretty harsh with them. But I would say I didn't really
16 ever see him harsh with LS X, SO XXX, or RT XX.

17 Q. And did you -- I believe earlier you said you went to
18 Mr. Johnson's room. Did you go once? Several times?
19 Often?

20 A. Yeah. I was going to ask Daniel a question. And I
21 went over to the boys' home and I was like, "Where's
22 Daniel?" They're like, "Oh, he's upstairs."

23 And I went upstairs and I -- they are like, "Oh,
24 his room is right there."

25 And I walked in, and he had his shirt off and he

13:48:49 1 was laying on the bed and a bunch of the boys were giving
2 him a massage. And then I asked him this question and then
3 he answered it, and then I went back and told everyone what
4 the plan was.

5 Q. You said a bunch of boys. What's a bunch of boys?

6 A. It was probably like four of them. Four or five.

7 Q. And they were giving him a massage.

8 Were they giving him a massage at the same time?

9 A. Yeah. They were like rubbing his back. They were
10 sitting on him. He was laying face-forward. Sitting on
11 him, massaging him.

12 Q. Ms. Brand, obviously you are sitting here in a trial
13 now, so it's easy to look at things through different
14 colored glasses, but did you notice that at the time?

15 Did that strike you at the time?

16 A. It did. I just -- we were guests there. And, I mean,
17 I know they loved him like a father and all of that. But
18 for me, if I had guests there, I just would be, like, "Boys,
19 we are not going to give massage."

20 MR. WEINERMAN: Objection as to what she would do.

21 THE COURT: Sustained.

22 MR. WEINERMAN: Move to strike.

23 THE COURT: Please strike the last statement.

24 BY MR. SWEET:

25 Q. Ms. Brand, did Mr. Johnson encourage the children to

13:50:01 1 spend time with you and your husband and your group?

2 A. No. Some of -- I felt like he wouldn't let them get

3 too close to us. Like one -- one night, PE XX and BT XX,

4 they were in a room and we were joking round with them. And

5 we were laughing and cracking up and just having fun getting

6 to know one another, asking about each other's countries and

7 just things that were similar and different. And Daniel

8 walked in and he was not happy. He, like, yelled at them

9 and kicked them out.

10 And, yeah, I just -- we couldn't get -- ever get

11 too close.

12 Q. And was there a mother figure at the orphanage?

13 A. No.

14 Q. How long did you spend in Kampot, approximately?

15 A. I don't remember.

16 Q. Was it just a day trip?

17 A. We spent the night, for sure.

18 Q. And Kampot is 123. Would you mind -- or would you mind

19 pulling up 123 to make sure that's --

20 Let me ask you, is that Kampot?

21 I am sorry. Is there a picture on your screen?

22 A. Not yet. Not yet.

23 MR. WEINERMAN: I am sorry, I didn't hear. That's

24 not Kampot?

25 THE COURT: Not yet. There's no picture.

13:51:23 1 MR. SWEET: It just hasn't popped up yet.

2 MR. WEINERMAN: Oh, it hasn't come up. I am

3 sorry.

4 THE WITNESS: Yes, that is Kampot.

5 BY MR. SWEET:

6 Q. And I believe you just said you spent at least one

7 night there?

8 A. Yes.

9 Q. Where did you stay?

10 A. In this room.

11 Q. Sort of this open -- okay. So this is one large room?

12 A. Yes.

13 Q. And did you observe anything that night that you

14 recall?

15 A. Yes. We were exhausted that night, and we all went to

16 bed. We -- under the mosquitoes nets. Each of us had one.

17 And some of the boys -- there's like a room on the side.

18 They went and slept in there. And then the other half of

19 the boys, they had to sleep outside the building. And

20 Daniel came to bed, and RT XX and LS X went to sleep, one on

21 each side of his arms.

22 Q. And -- okay. Ms. Brand, you have a husband, correct?

23 A. I do.

24 Q. And you have daughters?

25 A. I do.

13:52:32 1 Q. Does your husband ever lie down with his daughters in
2 his arms?

3 A. He does.

4 MR. WEINERMAN: Objection; relevancy.

5 THE COURT: Overruled.

6 THE WITNESS: He does. It's different. He
7 doesn't snuggle with them the way Daniel was snuggling with
8 the boys. It's different. Like cuddling and -- but it's
9 not like -- I don't know. It was -- something was a
10 little -- I felt a little bit uncomfortable when I saw it.

11 Q. Could you describe --

12 MR. WEINERMAN: Objection as to her feelings.

13 THE COURT: Overruled as to the last statement.

14 MR. SWEET: I didn't -- so the objection is
15 overruled?

16 THE COURT: Correct.

17 BY MR. SWEET:

18 Q. I am sorry.

19 Could you describe how he was holding them?

20 A. Yeah. So Daniel came in and he laid down, and he said
21 something in Khmer. And then right away LS X and RT XX
22 came, and he just went to bed. And he had each boy, like,
23 on the side.

24 And even -- I mean, I was -- yeah. It was just
25 one on each side, and it was a little -- it was a little a

13:53:33 1 little weird.

2 MR. WEINERMAN: Objection as to weird. Move to
3 strike.

4 THE WITNESS: Okay.

5 THE COURT: Sustained. The jury can draw their --

6 THE WITNESS: I thought it was a little bit --

7 THE COURT: Just wait a second. I am talking for
8 a moment.

9 Just describe things, what you saw and what you
10 heard.

11 THE WITNESS: Okay.

12 THE COURT: Thank you.

13 THE WITNESS: And then the next morning when we
14 all woke up, Daniel, I noticed, was letting LS X and RT XX
15 play video games on his phone and playing games. And
16 something just didn't feel right about that.

17 BY MR. SWEET:

18 Q. Let me ask --

19 MR. WEINERMAN: Objection as to "something didn't
20 feel right." Move to strike.

21 THE COURT: Sustained. It will be stricken.

22 MR. SWEET: But the first part of the sentence
23 remains, about the video game?

24 THE COURT: Yes.

25 BY MR. SWEET:

13:54:12 1 Q. And Ms. Brand, were other boys playing video games?

2 A. No.

3 Q. Ms. Brand, did you ever see boys spend the night in
4 Mr. Johnson's room at the orphanage in Phnom Penh?

5 A. No, because I wasn't sleeping in the boys' home.

6 Q. Ms. Johnson -- excuse me. Ms. Brand, you said you were
7 friends with Mr. Johnson. What was your relationship like
8 with Mr. Johnson during your time in Cambodia?

9 A. We had a good relationship.

10 Q. When you came back from Cambodia, did you continue to
11 support the boys?

12 A. I did.

13 Q. Did you have concerns about what was happening in
14 Cambodia?

15 A. I did.

16 Q. And how did that impact you?

17 Let me ask you this: Did you take any steps
18 regarding what you saw?

19 A. I prayed to the Lord a lot. I also told my husband
20 that I wanted to make sure that I stayed -- that we both
21 stay a part of the boys' lives and that we, you know, have
22 an opportunity to go down there and, you know, be a part of
23 them, just because some things I felt could be better.

24 Q. Who was it that you were sponsoring?

25 A. I sponsored Pong. I sponsored Ravy. That was like a

13:56:04 1 monthly thing. And then when Daniel would come down and
2 there was bigger needs for like churches and wells and
3 whatever else is going -- whatever other needs they had, we
4 would also support in that area directly. We would give it
5 directly to Daniel.

6 Q. And Ms. Brand, when you were in Kampot, was there a
7 time when you saw Mr. Johnson -- what was Mr. Johnson
8 typically dressed like in either Phnom Penh or outside?

9 A. In Kampot he -- just in shorts and a T-shirt. But in
10 Prey Veng, when we stayed there, Daniel would walk around in
11 a little towel. And nobody else was.

12 Q. When you say "little," how little is little?

13 A. I mean he was covered.

14 Q. When you say nobody else was, do you mean no other
15 westerners were?

16 A. There was no Khmer people walking around like that
17 either.

18 Q. And Ms. Brand, are you still in contact with the boys
19 or, now, young men?

20 A. I am.

21 Q. And are you still friendly with the boys who you
22 identified or do you still stay in contact with many of the
23 boys you identified in the photographs?

24 A. I do.

25 MR. SWEET: Thank you, Ms. Brand. I have no

13:57:40 1 further questions?

2 THE COURT: All right. Cross-examination.

3 MR. WEINERMAN: Thank you.

4 **CROSS-EXAMINATION**

5 BY MR. WEINERMAN:

6 Q. So Ms. Brand, you -- your relationship with Daniel
7 started as one where you are donating money to his ministry
8 and to Hope Transitions, correct?

9 A. Yes.

10 Q. And I assume you donate to other religious causes
11 besides Daniel's ministry; is that right?

12 A. No.

13 Q. Just to Daniel's ministry?

14 A. I mean, I will give an offering to my church, but
15 not -- I don't give the kind of money that I was giving to
16 Daniel to my congregation.

17 Q. And your congregation, you are from Fresno; is that
18 correct?

19 A. I am.

20 Q. And did the congregation in which you heard Daniel make
21 a recitation, is it called the church of Fresno?

22 A. No. Actually, I no longer go to the church that Daniel
23 used to come visit. I don't go to that church anymore.

24 Q. Okay. So did Daniel visit the new church that you are
25 a member of now?

1 A. No.

2 Q. So just the Church of Fresno?

3 A. Yes.

4 Q. That's where he made the presentation?

5 A. It was called Fresno Church Triumphant, not Church of
6 Fresno.

7 Q. Thank you. All right.

8 So your contact with Daniel started in around
9 2012? That's when he made the presentation?

10 A. Yeah. That's when we got the invite to go to Cambodia.

11 Q. And you were in Cambodia in April of 2012, I believe
12 you testified to?

13 A. Yes.

14 Q. And you were there for three weeks?

15 A. Approximately.

16 Q. And you weren't with -- you weren't in the actual Hope
17 Transitions Center building 24/7; is that right?

18 A. We were there a lot. Like we did everything together.
19 So we ate together. The only thing that -- the only time we
20 were not together is when we were sleeping at night.

21 Q. Okay. You slept in, I think, the girls' quarters?

22 A. Yes.

23 Q. In the same building, just a different floor?

24 A. Yes.

25 Q. Now, you talked about some of the things you sponsored.

13:59:45 1 So you actually sponsored, it sounds like, two of
2 the boys?

3 A. Consistently, yes.

4 Q. And that involved sending a monthly stipend for the
5 boys?

6 A. Yes.

7 Q. And you also sponsored projects such as building of
8 wells?

9 A. Wells, churches, anything that they needed.

10 I -- when we were in Cambodia, one thing we
11 noticed was that they heavily relied on support from
12 America. And so we thought -- Daniel and my husband and I,
13 we were talking. And Daniel told us, you know, we need to
14 get a business started here in Cambodia to where we don't
15 have to rely on Americans and we can bring in our own money.
16 And we were all for that.

17 And so Daniel told us -- PE XX is one of the boys
18 who --

19 MR. WEINERMAN: I am going to stop to object now
20 as nonresponsive, Judge.

21 THE WITNESS: Okay. Well, we also gave him --

22 MR. WEINERMAN: The judge has to rule on the
23 objection.

24 THE WITNESS: Okay.

25 THE COURT: Let's go ahead and we'll stop here.

14:00:57 1 Let's ask a question.

2 MR. WEINERMAN: Thank you.

3 BY MR. WEINERMAN:

4 Q. So if we could bring up Exhibit 615, Page 48.

5 I am going to show you a few photos, and hopefully
6 that will come your way soon. That's already admitted, so
7 that should be published to everyone.

8 THE COURT: It will be published.

9 BY MR. WEINERMAN:

10 Q. Just tell me if you see it.

11 A. I see the picture.

12 Q. All right. Do you recognize that as the Kampot church?

13 A. Yes. It's a different angle. Yes, I do.

14 Q. All right. And that's the one you stayed in that one
15 evening when you saw Daniel in the mosquito net?

16 A. Yes.

17 Q. And could we pull up Defense Exhibit 616.

18 MR. WEINERMAN: Well, we can -- we can -- that's
19 not 616, is it?

20 MS. MORROW: No.

21 BY MR. WEINERMAN:

22 Q. All right. Well, why don't we talk about this one when
23 you were at Kampot?

24 A. This is Prey Veng.

25 Q. This is Prey Veng. I apologize.

14:02:08

1 THE CLERK: What exhibit is this, Counsel?

2 MR. WEINERMAN: This is Exhibit 616, page 49,
3 that's been admitted.

4 BY MR. WEINERMAN:

5 Q. While we are here, I will ask a few questions about
6 that.

7 So you are familiar with Prey Veng, obviously?

8 A. Yes.

9 Q. Did you contribute to its -- to the building of the
10 Prey Veng complex?

11 A. Yes.

12 Q. And that kind of started from scratch. That wasn't a
13 remodel. That was buying land and making model drawings and
14 then building one structure at a time, correct?

15 A. Correct.

16 Q. So did you visit Prey Veng?

17 A. We did.

18 Q. All right. The same trip?

19 A. Yes.

20 Q. All right. And when you went to Prey Veng, were there
21 people at the church, in the courtyard? In the housing?

22 A. No. We were actually painting the church. So when we
23 were all in Prey Veng, the work that we were doing there is
24 we were painting the church.

25 Q. So you were helping put the finishing touches on the

14:03:02 1 construction?

2 A. Yes.

3 Q. And when you went there on this trip, others went with

4 you from Hope Transitions Center?

5 A. Yes.

6 Q. So some of the kids?

7 A. Yes.

8 Q. Okay. Did Daniel go?

9 A. Yes.

10 Q. Sopheak?

11 A. Hmm?

12 Q. Sopheak? Pastor Sopheak. I pronounce his name wrong,

13 and I apologize. Sopheak, the pastor?

14 A. Sopheak?

15 Q. Sopheak.

16 A. I don't remember Sopheak.

17 Q. How many boys went?

18 A. All the older boys. And then the younger ones were

19 just RT XX and LS X were the younger -- only younger ones

20 that went.

21 Q. All right. So did you all go in the same vehicle?

22 Different vehicles?

23 A. Yeah. We went in two. So there was a van that we

24 rent -- or they rented, Daniel rented for us. We were in

25 there with some of the boys, and then Daniel had a big Ford

14:03:54 1 truck.

2 And we brought a bunch of stuff: Food, drinks,
3 water, and all of that.

4 Q. All right. So who was in the van with you?

5 A. Oh, I -- do you have the picture?

6 For sure I can't remember.

7 Q. Definitely don't have a photo of you on that trip. I
8 am sorry.

9 A. Okay.

10 Q. But you don't remember who was there?

11 A. It was all -- a lot of the older boys were with us.

12 Q. Okay. And you are saying the younger boys went with --
13 in the --

14 A. Daniel.

15 Q. -- pickup truck?

16 A. They were in the --

17 Q. Who else was in that truck besides Daniel?

18 A. I want to say Pong. And I don't remember. I know for
19 sure Daniel, and then the two younger boys.

20 Q. When you say the two younger boys, do you mean LS X?

21 A. LS X and RT XX.

22 Q. Okay. And any adults?

23 A. I don't remember.

24 Q. We are going to show you a photo of the pickup. Okay.

25 We are going to have to -- you know what? We'll

14:05:00 1 maybe get to it later. We'll move on to something else.

2 All right. So you worked on the Prey Veng complex
3 doing some painting and things like that, correct?

4 A. Mm-hmm.

5 Q. How many -- did you stay overnight or did you just go
6 for the day?

7 A. We stayed the night.

8 Q. Stayed the night?

9 A. Yes.

10 Q. All right. And where did you sleep?

11 A. There was a room upstairs. My husband and myself were
12 on one bed, and then my mom and Nicole were on the other
13 bed. And then Karla was in the room right behind us, by
14 herself.

15 Q. And where did everybody else sleep?

16 Where did the others sleep?

17 A. Like the boys and Daniel? I don't know. We all just
18 said goodnight and went to bed.

19 Q. So you didn't walk down and see how the sleeping
20 arrangements were at any time?

21 A. *(Shakes head.)*

22 Q. No?

23 A. No.

24 Q. So you have to -- when you answer a question, you have
25 to kind of say yes or say no --

14:05:54

1 A. No.

2 Q. -- because the court reporter can't see you shaking
3 your head.

4 A. No.

5 Q. Thank you.

6 So getting back now to Kampot, where you stayed
7 overnight as well.

8 Could we put up the photo of the government's
9 exhibit, and I apologize for not remembering but the one
10 with the mosquito nets.

11 All right. There we go. We have it.

12 So there were three separate mosquito nets set up.
13 I can't tell -- looks like there's one behind the one in the
14 foreground, but I can't tell.

15 Were there two or three set up?

16 A. This was -- this is not when we were there. But I
17 would say there was like three or four.

18 Q. Three or four mosquito nets with mattresses set up --

19 A. Yes.

20 Q. -- when you stayed there?

21 A. Yes.

22 Q. So you stayed in one with -- who stayed with you in
23 one?

24 A. My husband -- my husband and I were in one mosquito
25 net. Nicole and my mom were in another mosquito net. And

14:06:52 1 then Daniel and the two boys were in another one.

2 Q. And the other kids were sleeping somewhere else?

3 A. Outside. And then some of them were in that -- there

4 was a side room with bunk beds, and some of them slept in

5 there.

6 Q. So you talked about what you saw in terms of Daniel

7 holding -- having two of the kids maybe fall asleep in his

8 arms.

9 Were you up all night to see all the positions, if

10 any --

11 A. No.

12 Q. -- that they slept through the night?

13 A. No.

14 Q. All right. So you don't know if that changed during

15 the night?

16 A. No.

17 Q. And you don't know what it looked like in the morning?

18 A. I did. I know what it looked like in the morning.

19 Q. All right.

20 A. We all woke up together.

21 Q. Okay. All right.

22 A. And I woke up to Daniel getting up and giving the boys

23 a cell phone to play with. And they sat there for about a

24 good 20 minutes under the mosquito net playing the game

25 together.

14:07:41 1 Q. So the boys were playing video games for a while. For
2 an hour?
3 A. 20 minutes.
4 Q. All right. Then he took them back?
5 A. No. Then we all tore everything down --
6 Q. All right.
7 A. -- and got up and started the day.
8 Q. Did Daniel take the cell phones back from the kids?
9 A. Eventually, yeah.
10 Q. So you don't know whether these were cell phones that
11 the kids owned and Daniel was just supervising --
12 A. It was Daniel's.
13 Q. Let me finish the question.
14 A. Okay.
15 Q. You will get a chance to answer.
16 A. Sorry.
17 Q. So you don't know whether these were Daniel's phones or
18 whether these were phones that the kids belonged and Daniel
19 was supervising their use?
20 A. I know it was Daniel's because he took it out of his
21 pocket and gave it to them.
22 Q. That doesn't rule out that Daniel had in his pocket
23 phones belonging to the two kids, correct?
24 A. Yes.
25 Q. I mean, some of the donors were very generous and gave,

14:08:44 1 as gifts to kids that they sponsored, cell phones, right?

2 A. I didn't. But yes, maybe other people did.

3 Q. All right. You talked about BT XX leading your group

4 around, I think, Phnom Penh, right?

5 You have to say yes or no.

6 A. Yes.

7 Q. And he -- did BT XXXXXXXX accompany you when you went to

8 Prey Veng or Kampot?

9 A. Yes.

10 Q. Okay. I mean, BT XXXXXXXX spoke English pretty well,

11 correct?

12 A. Yes.

13 Q. So he was a good person, if Daniel wasn't there or even

14 if Daniel was there, to explain what Hope Transitions Center

15 was doing in the city and out in the country?

16 A. Yes.

17 Q. You testified about some of Daniel's discipline, how he

18 interacted with the boys or what your observations were.

19 Do you recall that testimony?

20 A. Yes.

21 Q. Would you agree that -- well, first let me ask you

22 this: Hope Transitions Center had approximately 25 to 30

23 boys and approximately five girls during the time you

24 visited in 2012?

25 A. Yes.

14:10:24 1 Q. So would you agree that, particularly when it comes to
2 boys, you need to have rules?
3 A. Yes.
4 Q. All right. You let 25, 30 boys run wild, it's anarchy?
5 A. Yes.
6 Q. So Daniel had rules, right?
7 A. I wouldn't say rules. When he told them to do
8 something, they did it. It wasn't like these are the rules
9 of the house. You know, this is the structure, here's what
10 we do. It was like whatever he says, they just do it.
11 Q. Sometimes the boys didn't follow the rules and Daniel
12 punished them?
13 A. When I was there, they always listened to him.
14 Q. You never saw -- I think you testified earlier that
15 you -- that there was punishment for minor things, breaking
16 the rules. Daniel raised his voice, and I believe you
17 testified that you thought he spanked someone --
18 A. Yes.
19 Q. -- who broke the rules, correct?
20 A. Yes.
21 Q. Did you get the impression that Daniel was overwhelmed?
22 A. No.
23 Q. Okay. Overwhelmed when it came to interacting with the
24 kids?
25 A. No.

14:11:35 1 Q. Did you feel that Daniel needed more support?
2 A. Accountability, yes.
3 Q. He needed maybe additional adults supervising the kids?
4 A. There were adults there. They were -- the people that
5 would come and cook. There were adults there.
6 Q. But they didn't live there?
7 A. No.
8 Q. Okay. We are talking now about people who were
9 actually on the premises.
10 A. Yes.
11 Q. That was pretty much Daniel and Sopheak, correct?
12 A. Yes.
13 Q. And 25 to 30 boys and approximately five girls, that's
14 not a very good parent or adult-to-child ratio. Would you
15 agree?
16 A. Yes.
17 Q. He needed more help?
18 A. Yes.
19 Q. And one of the reasons that ministries came, people
20 visited like you, was to help out --
21 A. Yes.
22 Q. -- for short periods of time?
23 A. Yes.
24 Q. And that's what you tried to do when you were there?
25 A. Yes.

14:12:42 1 Q. Now, as far as -- you testified about Daniel's -- the
2 massages, okay? You testified about the massages.

3 When you saw Daniel being massaged, I assume he
4 wasn't wearing a shirt?

5 A. Yes.

6 Q. But he was wearing shorts?

7 A. Yes.

8 Q. And the kids were wearing clothes?

9 A. Yes.

10 Q. Would you agree that Cambodia is a little -- is pretty
11 informal in terms of dress compared to, maybe, Fresno?

12 A. Informal? What do you mean by that?

13 Q. People walk around without T-shirts -- without a shirt
14 on?

15 A. When I was there, the boys all wanted to cover up
16 because I noticed when I was there they all have this
17 complex about being so dark. And I continually tell them
18 that brown is beautiful, and in America we love tan skin.

19 So the boys were always covered up. Long-sleeve
20 shirts on hot days, because they didn't want their skin to
21 be brown.

22 Q. Okay. So let me ask you a question, then, about the
23 climate. Cambodia is a pretty warm climate?

24 A. Yes.

25 Q. Very humid?

14:13:58

1 A. Yes.

2 Q. And the boys, for whatever reason, who you saw wear
3 shirts, they -- you indicate they did that -- you -- well,
4 let me ask this: Did you talk to the boys about why they
5 wore shirts?

6 A. Yes.

7 Q. All right. You -- you also talked about Daniel walking
8 around with just a towel, and you thought that that was
9 inappropriate.

10 A. Yes, because nobody else was.

11 Q. Okay.

12 A. And there was women there. My mother, who is older.
13 Older Khmer women around.

14 Q. So we are going to show you Exhibit 616, page 115.

15 And that is --

16 *(Counsel conferred with tech. support staff.)*

17 BY MR. WEINERMAN:

18 Q. So I'd like you to look at that photograph.

19 And first, do you recognize the person in the
20 photograph?

21 A. It's blurry. I can't really see.

22 Q. Did you ever meet Pastor Kim San in Prey Veng?

23 A. Yes.

24 Q. Would you look at that photo and tell me if that
25 appears to be Pastor Kim San?

14:15:38

1 A. Oh, yes.

2 Q. Okay. And what is he wearing?

3 A. A towel.

4 Q. Okay. Did you ever see him wearing a towel when you
5 were in --

6 A. No.

7 Q. All right. Okay.

8 So after you got back, you -- let me ask this:
9 You know who Karla Comstock is?

10 A. I do.

11 Q. Okay. So she is a woman who also supported the church
12 and visited Hope Transitions Center and a lot of the other
13 places; Prey Veng, Kampot, correct?

14 A. Yes.

15 Q. Okay. And do you recall chatting on Facebook with
16 Karla Comstock about some of these things we just talked
17 about, the massage and Daniel just wearing a towel?

18 A. I don't remember.

19 Q. All right. So I am going to ask you to look at your
20 screen. It's not an exhibit. We are not publishing it to
21 the jury, but if we can just publish this to Ms. Brand's
22 screen?

23 And just for identification, it's Johnson 08840.

24 *(Counsel conferred with tech. support staff.)*

25 MR. WEINERMAN: And we'll also see it here, and

14:17:01 1 the Court will see it.

2 THE COURT: I believe so.

3 MR. WEINERMAN: This is the first time I am trying
4 this, so --

5 THE COURT: Okay.

6 BY MR. WEINERMAN:

7 Q. Now, the writing is kind of small. I don't know if we
8 can make it a little bigger.

9 All right. So I am just going to show you a small
10 exchange of chats you had with Karla Comstock on June 2nd, I
11 am presuming that would be 2012, a few months after you got
12 back from visiting Daniel's ministry in Cambodia.

13 A. Yes, I did. Yes, I remember this.

14 Q. All right. And then -- go ahead. I am sorry.

15 A. I do remember this.

16 Q. All right. And then we are going to show you another
17 portion of your chat exchange with Karla Comstock about it.

18 A. Okay.

19 Q. All right. So you discussed with Karla Comstock in
20 this chat about Daniel getting massages from some of the
21 kids?

22 A. Yes. Straddling him, yes.

23 Q. All right. And Karla Comstock replied that she saw the
24 same thing and didn't think it was that big of a deal.

25 A. She is talking about the massages that the boys would

14:19:10 1 come give us. They would come behind our neck and they
2 would massage us real fast like that. And we would be like,
3 "Oh, thank you." They would say, "For hard work," and they
4 would come around, they would just rub all our necks. We --
5 they weren't straddling us.

6 Q. All right. And you also told her what you saw about
7 the four boys giving Daniel a massage, right?

8 You talked about that?

9 A. Yes. But the straddling, no.

10 Q. And her response was that he would give -- he,
11 referring to Daniel, would give the kids like a dollar or
12 something small for giving him, Daniel, a back massage,
13 right?

14 A. Yes.

15 Q. And she also mentioned that the kids would also come
16 down and give back massages to the visitors.

17 A. Yes. The massage was different because I got one, too.

18 Q. All right. And did you give the kids a little money
19 for doing that?

20 A. No.

21 Q. And Karla Comstock, when -- her response was it seemed
22 to make sense for Daniel to, in essence, tip the kids for
23 giving him a massage, or the visitors tipping the kids to
24 give them a massage.

25 MR. SWEET: Objection; hearsay, Your Honor. What

14:20:31 1 Ms. Comstock says is --

2 THE COURT: Sustained.

3 BY MR. WEINERMAN:

4 Q. Did you also discuss with her about when Daniel got a
5 massage, he had his shirt off and only shorts on, correct?

6 A. Yes.

7 Q. Okay. And you didn't think -- you didn't express any
8 concern that that was weird or inappropriate?

9 A. I did. The message said I did. If you pull it up
10 again, I can --

11 Q. Okay. Go ahead. Let's pull it up.

12 A. I said it made me feel uncomfortable, if you pull it up
13 again.

14 Q. All right. Yeah, we will.

15 A. Make it bigger.

16 Q. I think you said your mom was uncomfortable, if you
17 look at the third paragraph down. That was with the Prey --
18 that was with the towel. I am sorry.

19 So correct me if I am wrong. You didn't say
20 anything about thinking it was -- that it made you
21 uncomfortable?

22 A. I can't read it because it's blurry and you have all
23 the text. If you can blow it up again?

24 Q. All right. Yes, we will.

25 A. Yes. The part that you are bringing up is me saying

14:22:38 1 that the boys were straddled on him on the bed massaging
2 him. And -- and then Karla just -- on the other part, where
3 I said we felt uncomfortable.

4 Q. And you didn't say you felt uncomfortable?

5 A. Yeah. My mom was uncomfortable when we -- yeah, when
6 he was walking around with the towel.

7 Q. So you are agreeing with me or not?

8 A. Yes.

9 Q. So getting back to Daniel Johnson's role at Hope
10 Transitions Center, would it be fair to call him a director?

11 A. Yes.

12 Q. So he supervised other people, not only volunteers but
13 the kids who lived there, and then other people who lived at
14 the -- who lived at Hope Transitions Center?

15 A. When you say "supervise," I would say he scheduled
16 things for us and he was definitely in charge of
17 fundraising.

18 Q. All right. And when he was there, he was in charge of
19 the everyday operations of Hope Transitions Center in terms
20 of --

21 A. In terms of --

22 Q. -- delegating?

23 A. Delegating, yes.

24 Q. So he delegated things to other people --

25 A. Yes.

14:24:24 1 Q. -- who either worked there or volunteered?

2 A. Yes.

3 Q. All right. So you mentioned that he didn't go to
4 church when you were there, but somebody else was there,
5 Pastor Sopheak, correct?

6 A. Yes.

7 Q. And by virtue of him being called Pastor Sopheak, would
8 it be fair to say that he had a more understanding of the
9 doctrines of Christianity than Daniel, who was not a pastor?

10 A. When Daniel would come to our churches and talk about
11 God and how --

12 THE COURT: You need to start focusing on the
13 question and answering the question that's been asked of
14 you.

15 THE WITNESS: Okay. Okay. Can you repeat the
16 question?

17 BY MR. WEINERMAN:

18 Q. Yes, I will.

19 So would it be fair to say that delegating the
20 teachings, the religious teachings, running services, to
21 Pastor Sopheak made more sense because Pastor Sopheak was
22 trained as a pastor?

23 A. Yes.

24 Q. And as far as you know, Daniel Johnson had no formal
25 training as a pastor?

14:25:21 1 A. Not to my understanding. He was with YWAM, very well
2 trained.

3 (Reporter interrupted.)

4 THE WITNESS: He was with YWAM, very well trained.

5 BY MR. WEINERMAN:

6 Q. As a pastor?

7 A. As a missionary for Christ.

8 Q. But not as a pastor, someone who would lead religious
9 services?

10 A. Yes, I guess.

11 Q. So when you are there for three weeks, you -- well,
12 when you leave your three-week visit, you don't know if
13 Daniel's role on the day-to-day operation of Hope
14 Transitions Center changes?

15 A. No.

16 Q. And you took a short period of time, three weeks, and
17 you are testifying what you observed during that three-week
18 period?

19 A. Yes.

20 Q. You don't know what his role was before you arrived and
21 after you arrived?

22 A. No.

23 Q. I think you testified that you observed some of the
24 boys -- I think you used the word "wild," and I am trying to
25 recall the context. I think you testified that you did

14:26:55 1 observe the boys just kind of acting wild, like normal boys
2 would?

3 A. Like no structure. Like they'd get up in the morning
4 on a weekend, and there was like -- they were just kind of
5 hanging around, hanging out. There was no, like, this time
6 we do this. No structure.

7 Like at lunchtime, everyone needs to be here at
8 12:00, or dinnertime, or worship starts at this time. There
9 was none of that. It was like Daniel came and said, "Here's
10 what we are going to do," and everyone is like, "Yes, sir."

11 Q. Okay. You testified that in your opinion Daniel gave
12 special treatment to LS X?

13 A. Absolutely.

14 Q. LS X was one of the youngest, if not the youngest kid
15 at Hope Transitions Center?

16 A. Yes.

17 Q. And he was, in stature, one of the smaller, if not the
18 smallest boy?

19 A. Yes. There was a few others too. RT XX and --

20 Q. And when you said -- when you went to Kampot, you went
21 in a van and Daniel went in a pickup truck --

22 A. Yes.

23 Q. -- or you went -- all right.

24 So you went in a separate vehicle?

25 A. Yes.

14:28:32 1 MR. WEINERMAN: Thank you. I have no further
2 questions.

3 THE COURT: Redirect.

4 MR. SWEET: Thank you.

5 **REDIRECT EXAMINATION**

6 BY MR. SWEET:

7 Q. Ms. Brand, I just have a few short questions.

8 You saw a picture a few minutes ago. I believe it
9 was Pastor Kim wearing a towel?

10 A. Yes --

11 Q. Was the towel that you saw Mr. Johnson wearing, was it
12 similar to Pastor Kim's towel?

13 A. Pull it up, please.

14 Q. Can you pull up Pastor Kim's picture, please.

15 Thank you.

16 A. No. It was a shorter -- the towel was shorter. It was
17 like a -- like a towel that we would use in America, but it
18 wasn't as long. It wasn't to the knees. It was up a little
19 higher.

20 Q. And Ms. Brand, you -- in talking about massages, I
21 would like to just go back to that conversation with
22 Ms. Comstock -- excuse me. Yes. With Karla Comstock for a
23 minute.

24 And we can pull it up if need be, but let me ask
25 you if this is -- did you raise the issue of the massages

14:29:43 1 with Ms. Comstock?

2 A. Yes.

3 Q. And after she said, well, it didn't appear sexual, did
4 you say some people mentioned that Daniel -- well, let me go
5 to a different part.

6 "One morning I went over to the boys' house and he
7 had the door closed and LT XXXXXXXX and most of the younger
8 boys were straddled on him on his bed massaging him."

9 Is that what you wrote back to Ms. Comstock?

10 A. Yes.

11 Q. And why is it that you were bringing that up?

12 A. I felt a little bit uncomfortable about it.

13 Q. And when you -- you said American missionaries received
14 massages from some of the boys; is that correct?

15 A. Yeah. The boys, after we'd paint, they would come up
16 behind us and they would put their -- I mean, it was -- they
17 weren't up close. They weren't straddling. It wasn't
18 anything. They would just come behind us and they would
19 give us a quick, like, neck massage. And we would be like,
20 "Oh, thank you." And it was just this friendly, like happy
21 thing.

22 Q. And let me ask you this: How many of the missionaries
23 that were receiving massages from the boys received them at
24 night in bed?

25 A. None.

14:30:50 1 Q. How many had their shirt off?
2 A. None.
3 Q. How many were being straddled by the boys?
4 A. None.
5 Q. Ms. Brand, is your testimony here today influenced by
6 any feelings you have about Mr. Johnson?
7 A. No. I hold no hard feelings against Mr. Johnson.
8 MR. SWEET: Thank you. I have nothing further.
9 THE COURT: All right. Thank you. You are free
10 to step down.
11 Next witness for the government.
12 MR. SWEET: Your Honor, would it be possible to
13 take a five- or ten-minute break between this witness?
14 THE COURT: Yes, we can do that.
15 Folks, we'll be in recess for five minutes.
16 (Jury out.)
17 THE COURT: Is there anything we need to discuss
18 or just taking a break?
19 MR. SWEET: No, Your Honor. I just wanted to --
20 before bringing in the next witness, if I could have just
21 have a minute with the next witness.
22 THE COURT: Sure.
23 MR. SWEET: Thanks.
24 (Recess.)
25 THE COURT: All right. Should we bring the jury

14:46:16 1 in?

2 THE CLERK: I think so.

3 THE COURT: Yes.

4 MR. SINHA: Your Honor, we had one housekeeping
5 question.

6 THE COURT: Okay.

7 MR. SINHA: So I don't know how long the next
8 witness is going to be going. But, if possible, we are
9 hoping to avoid having a witness straddle the night because
10 I think it's stressful for them to come back. So I asked
11 the defense -- or Mr. Johnson's team, rather, if we could
12 end after this witness, whether it's at 4:00 or whether it's
13 whatever, because the next witness is one of the kids who
14 lived at the orphanage. So we are asking the court if
15 perhaps we could end whenever this witness ends and start
16 him tomorrow.

17 THE COURT: Sure. Are we generally on track for
18 where we need to be?

19 MR. SINHA: I think we are doing okay. Yeah, I
20 think we are doing pretty well.

21 THE COURT: Okay. Yeah, that's fine.

22 (Jury in.)

23 THE COURT: All right. Please be seated,
24 everybody.

25 Next witness for the government.

14:48:44 1 MR. SWEET: Thank you, Your Honor. The government
2 calls LT XXXXXXXXXXXXXXXX.

3 THE COURT: Sir, if you'd like to step up to the
4 witness stand here to my left. Just come on up. If you can
5 stay standing for just a moment, Ms. Pew will have you sworn
6 in.

7 THE CLERK: Raise your right hand.

8 *(The witness was sworn.)*

9 THE WITNESS (By the interpreter): Yes.

10 THE CLERK: Please be seated. State your name for
11 the record.

12 THE WITNESS (By the interpreter): Yes. My name
13 is LT XXXXXXXXXXXXXXXX.

14 THE CLERK: If you could spell your first and your
15 last.

16 THE WITNESS (By the interpreter): LT XXXXXXXXXXXX
17 XXXXXXXXXXXXXXXXXXXXXXXX.

18 **DIRECT EXAMINATION**

19 BY MR. SWEET:

20 Q. Good afternoon, LT XXXXXXXX.

21 A. (By the interpreter) Yes.

22 Q. And LT XXXXXXXX, what is your date of birth, please?

23 A. (By the interpreter) I was born in the month of
24 XXXXXXXXXXXXXXXXXXXXXXXX, 1997.

25 Q. And where were you born, please?

14:51:03 1 A. (By the interpreter) In the province of Kraches.
2 Q. And is that in the Kingdom of Cambodia?
3 A. (By the interpreter) Yes.
4 Q. Where do you live now, please?
5 A. (By the interpreter) I live in Kraches.
6 Q. And what do you do there?
7 A. (By the interpreter) I stay home.
8 Q. Do you have a job?
9 A. (By the interpreter) No.
10 Q. Are you in school?
11 A. (By the interpreter) No.
12 Q. And tell us about your family, please.
13 Do you have any brothers?
14 A. (By the interpreter) I have a younger brother.
15 Q. Any sisters?
16 A. (By the interpreter) One younger sister and two older
17 sisters.
18 Q. And do you live with either of your parents?
19 A. (By the interpreter) Yes.
20 Q. And who is that, please?
21 A. (By the interpreter) My mom.
22 Q. And I am going to show you a picture.
23 A. (By the interpreter) Yes.
24 MR. SWEET: And Your Honor, there were a series of
25 exhibits which we discussed with counsel and with Ms. Pew.

14:52:45 1 I believe there's no objection to that list being admitted.
2 THE COURT: Those will be published. Thank you.
3 BY MR. SWEET:
4 Q. And do you recognize -- first, do you see something on
5 the screen to your left?
6 A. (By the interpreter) I see.
7 Q. And what is that, please?
8 A. (By the interpreter) This is my identification.
9 Q. And it has you being born on XXXXXXXX, 1997?
10 A. (By the interpreter) Yes.
11 Q. Okay. And LT XXXXXXXX, do you know Daniel Johnson?
12 A. (By the interpreter) I know.
13 Q. How did you first meet him, please?
14 A. (By the interpreter) I know him through Ma Ta or Ma Na.
15 Q. And who is Ma Na?
16 A. (By the interpreter) That person is someone who lives
17 in a different church.
18 Q. And so how is it that Ma Na introduced you to Daniel
19 Johnson?
20 A. (By the interpreter) At that time he went to visit my
21 town.
22 Q. Mr. Johnson went to visit your town?
23 A. (By the interpreter) No. Ma Na is the one.
24 Q. And so was Ma Na a friend of your family or you just
25 met him when he came to your town?

14:54:36 1 A. (By the interpreter) He knows my cousin. He is a
2 friend.
3 Q. And LT XXXXXXXX, did something happen to your father
4 when you were young?
5 A. (By the interpreter) My father passed away.
6 Q. And about how old were you when that happened?
7 A. (By the interpreter) Around ten years old.
8 Q. And at that time, was it just your mom taking care of
9 you, your brother, and your sisters?
10 A. (By the interpreter) Yes. Yes.
11 Q. Was it easy or hard for her to support you all?
12 A. (By the interpreter) Yes, difficult.
13 Q. And so is that part of why Ma Na was introducing you to
14 Daniel Johnson?
15 A. (By the interpreter) Yes.
16 Q. And so at some point did you go live at a location with
17 Mr. Johnson?
18 A. (By the interpreter) Yes.
19 Q. And I'd like to show you what's marked as Exhibit 271.
20 Do you recognize that?
21 A. (By the interpreter) Yes.
22 Q. Okay. What is that location, please?
23 A. (By the interpreter) This is the first place in which I
24 lived.
25 Q. And did Mr. Johnson live there as well?

14:57:00 1 A. (By the interpreter) Yes.

2 Q. And about how old were you when you first moved there?

3 A. (By the interpreter) Around 11 or 12 years old.

4 Q. And did anybody from your family join you?

5 A. (By the interpreter) Daniel.

6 Q. And what about any of your brothers or sisters? Did

7 they go to this location as well?

8 A. (By the interpreter) No. Only two of my siblings. Two

9 of my sibling and I.

10 Q. Okay. And who were those two siblings, please?

11 A. (By the interpreter) RT XX and I.

12 Q. Okay. So did you make friends when you were living at

13 this location?

14 A. (By the interpreter) Yes, I did.

15 Q. Who were some of the people you were friends with?

16 A. (By the interpreter) Everybody that lived there.

17 Q. And could you name some of the people that lived there,

18 please.

19 A. (By the interpreter) Yes, I can.

20 Q. Please, go ahead.

21 A. (By the interpreter) Older sibling, SESX.

22 Q. Let me ask one question. Is that Pastor Sopheak or SES

23 XXXXXXXX?

24 A. (By the interpreter) My older, SESX.

25 Q. And let me show you Exhibit 45, please.

14:59:24 1 And who is that, please?

2 A. (By the interpreter) Vy.

3 Q. Okay. And 47, please.

4 And who is that?

5 A. (By the interpreter) RT XX.

6 Q. And is he your little brother?

7 A. (By the interpreter) Yes.

8 Q. Okay. And 272, please.

9 Did you ever live at this location?

10 A. (By the interpreter) I have.

11 Q. And 139, please.

12 Did you ever live at this location?

13 A. (By the interpreter) I have.

14 Q. Okay. So LT XXXXXXXX, could you tell me a little bit

15 about what you did at the orphanage?

16 Did you go to school?

17 A. (By the interpreter) I went.

18 Q. And did you like school?

19 A. (By the interpreter) I like.

20 Q. Did you go to school the whole time you were at the

21 orphanage? All three locations?

22 A. (By the interpreter) Yes.

23 Q. And did you have chores?

24 A. (By the interpreter) Yes.

25 Q. And did you play with friends?

15:01:16 1 A. (By the interpreter) Yes.

2 Q. And who were some of the boys who were about the same

3 age as you at these orphanages?

4 A. (By the interpreter) The name is Cha. Vy. I forgot

5 most of them and others.

6 Q. And do you know ES XXX?

7 A. (By the interpreter) I know.

8 Q. Do you know LS X?

9 A. (By the interpreter) I know.

10 Q. SO XXX?

11 A. (By the interpreter) I know.

12 Q. Do you know BT XXXXXXXX?

13 A. (By the interpreter) I know.

14 Q. So let's talk about BT XXXXXXXX for a minute.

15 What was BT XXXXXXXX's role at Hope Transitions

16 Center?

17 A. (By the interpreter) He's like, you know, the one who

18 run the place or a manager or supervisor.

19 Q. And what about Pastor Sopheak? What was his role?

20 A. (By the interpreter) He is the -- the preacher of the

21 Bible.

22 Q. And Daniel Johnson, what was his role at the orphanage?

23 A. (By the interpreter) He's the leader. He's the -- he's

24 the head.

25 Q. And where did he stay?

15:03:08 1 A. (By the interpreter) He -- he stayed in the house.
2 Q. Did he have his own room?
3 A. (By the interpreter) Yes.
4 Q. And did other people stay in his room sometimes?
5 A. (By the interpreter) No.
6 Q. Did other boys go to his room?
7 A. (By the interpreter) I have seen some.
8 Q. And who did -- you said you have seen some. Who have
9 you seen?
10 A. (By the interpreter) Sometimes I have seen the names
11 like Cha, and two or three of them.
12 Q. Did you see people giving Mr. Johnson massages?
13 A. (By the interpreter) I have seen.
14 Q. And have you seen people -- where did you see people
15 give -- what room did they give Mr. Johnson massages in?
16 A. (By the interpreter) In the room.
17 Q. I am sorry?
18 A. (By the interpreter) In the room.
19 Q. And which room is that, please?
20 A. (By the interpreter) His room where he sleeps.
21 Q. Daniel Johnson's room?
22 A. (By the interpreter) Yes.
23 Q. And would people who give massages, would they get any
24 money or food or gifts?
25 MR. WEINERMAN: Objection without laying a

15:05:35 1 foundation as to personal knowledge.

2 THE COURT: Go ahead; lay a foundation.

3 BY MR. SWEET:

4 Q. Do you know if anyone received gifts or money in
5 exchange for giving massages?

6 A. (By the interpreter) Sometime he gives the weekly money
7 for study.

8 Q. And did everybody get money for studying?

9 A. (By the interpreter) Yes.

10 Q. And was there sometimes separate money for giving a
11 massage?

12 A. (By the interpreter) No. I don't know.

13 Q. You said you saw some boys giving Mr. Johnson a massage
14 in his room. Who did you see giving him a massage?

15 A. (By the interpreter) LS X.

16 MR. SWEET: I'd like to pull up for just a
17 second -- this is a different one that we discussed. This
18 is Exhibit 4. It's already been admitted.

19 BY MR. SWEET:

20 Q. Do you know the boys in that photo, LT XXXXXXXX?

21 INTERPRETER LAURENT: No, some -- excuse me.

22 THE WITNESS (By the interpreter): Yes, I know.

23 Q. Who is in the left, please, in the red sweatshirt?

24 A. (By the interpreter) ES XXX.

25 Q. And who is on the right, the smaller one?

15:08:11 1 A. (By the interpreter) LS X.

2 Q. LT XXXXXXXX, when you talk about people giving

3 Mr. Johnson massages, which location of the orphanage did

4 you see that at?

5 The first? The second? The third? Or any

6 combination?

7 A. (By the interpreter) I see in his room.

8 Q. Okay. And let's clarify. Let's talk about --

9 MR. SWEET: Could we pull up 271, please?

10 BY MR. SWEET:

11 Q. And how about this location, LT XXXXXXXX? Did you see

12 boys giving Mr. Johnson massages in his room here?

13 A. (By the interpreter) No.

14 Q. How about 272, please.

15 How about at this location?

16 A. (By the interpreter) No. No, no, no.

17 Q. How about -- was it "no" or "I don't know"?

18 INTERPRETER LAURENT: No. No, no.

19 BY MR. SWEET:

20 Q. And how about 139, please?

21 A. (By the interpreter) Saw.

22 (Reporter interrupted.)

23 THE WITNESS (By the interpreter): I see or I saw.

24 BY MR. SWEET:

25 Q. LT XXXXXXXX, did you see boys go into Mr. Johnson's room

15:10:15 1 to watch movies?

2 A. (By the interpreter) I have.

3 Q. Have you ever watched a movie in Mr. Johnson's bedroom?

4 A. (By the interpreter) Yes.

5 Q. And sometimes would boys watch movies in the evening or
6 at night in Mr. Johnson's room?

7 A. (By the interpreter) Yes.

8 Q. And did you ever see boys fall asleep in Mr. Johnson's
9 room?

10 A. (By the interpreter) No.

11 Q. Did you ever fall asleep -- actually, let me ask one --
12 let me back up.

13 LT XXXXXXXX, was there a night when you walked --
14 was there a day or a time where you walked into
15 Mr. Johnson's room, just opened the door?

16 A. (By the interpreter) Yes.

17 Q. And did you see Mr. Johnson in that room?

18 A. (By the interpreter) I saw.

19 Q. Was there anyone else in the room with Mr. Johnson?

20 A. (By the interpreter) I saw LS X and --

21 (Reporter interrupted.)

22 THE WITNESS (By the interpreter): And --

23 BY MR. SWEET:

24 Q. And was Mr. Johnson doing something to LS X?

25 A. (By the interpreter) I don't know because I opened and

15:12:29 1 I closed. I open and I saw and I closed.
2 Q. So you opened, you saw, and you closed; is that right?
3 A. (By the interpreter) Yes.
4 Q. Okay. So I want to talk to you about the "saw" part
5 for just a minute. Okay?
6 Okay. Was LS X standing or sitting?
7 A. (By the interpreter) He was sleeping. He was sleeping
8 on.
9 Q. What was he sleeping on?
10 A. (By the interpreter) On the bed or mattress.
11 Q. And what was Mr. Johnson doing?
12 A. (By the interpreter) Because I open, I saw. Then I
13 close it back up.
14 Q. Did you see LS X's clothes being taken off by
15 Mr. Johnson?
16 MR. WEINERMAN: Objection; leading.
17 THE COURT: Overruled.
18 THE WITNESS (By the interpreter): I saw that
19 there was no shirt.
20 BY MR. SWEET:
21 Q. LT XXXXXXXX, did you talk to LS X about that afterwards?
22 A. (By the interpreter) I have.
23 Q. And did LS X tell you something that Mr. Johnson did to
24 him?
25 A. (By the interpreter) Yes. I heard -- he told me

15:14:38 1 that --

2 MR. WEINERMAN: I'd object as hearsay.

3 THE COURT: Overruled.

4 THE WITNESS (By the interpreter): Mr. Daniel

5 Johnson touched his penis.

6 BY MR. SWEET:

7 Q. And did -- so LS X told you that Mr. Johnson touched

8 LS X's penis. Is that what you are saying?

9 A. (By the interpreter) Yes.

10 Q. Did LS X say anything about sucking -- Mr. Johnson

11 sucking LS X's penis?

12 MR. WEINERMAN: Objection; leading.

13 THE COURT: I will let it go a little bit here.

14 Overruled.

15 Go ahead.

16 INTERPRETER LAURENT: I am sorry. I could not

17 hear him. Speak slowly, I said.

18 THE WITNESS (By the interpreter): Yes, he did

19 tell me once.

20 BY MR. SWEET:

21 Q. LS X told you that Mr. Johnson sucked LS X's penis

22 once. Is that what you are saying?

23 MR. WEINERMAN: Objection; asked and answered.

24 THE COURT: Overruled. It's clarifying.

25 THE WITNESS (By the interpreter): Yes.

1 BY MR. SWEET:

2 Q. Did you talk to SO XXX about sex activity with
3 Mr. Johnson or did you not?

4 A. (By the interpreter) No.

5 Q. Did SO XXX ever talk to you about being abused by
6 Mr. Johnson?

7 A. (By the interpreter) No.

8 Q. So when you talked to LS X about being abused, did you
9 go ask him about it?

10 Let me clarify. Did you go ask LS X about being
11 abused by Mr. Johnson?

12 A. (By the interpreter) Asked.

13 Q. You went and asked LS X?

14 A. (By the interpreter) Yes.

15 Q. Is there a reason you went and asked LS X if he was
16 being abused by Mr. Johnson?

17 INTERPRETER LAURENT: Excuse me for a second.

18 THE WITNESS (By the interpreter): I saw -- when
19 he came, I saw his face and his face was unhappy.

20 BY MR. SWEET:

21 Q. And was that soon after you opened the door, saw, and
22 closed the door?

23 A. (By the interpreter) After closing the -- after the
24 closing and he came out, you know, for a short while, and
25 then I went to ask.

15:18:59 1 Q. So did something you see when you opened the door lead
2 you to go ask him?

3 I am sorry. Did something you see when you opened
4 the door lead you to go ask LS X?

5 A. (By the interpreter) Yes. It's because I saw him
6 laying there, and after he came outside he was not happy.
7 So I went to ask him -- in a -- in a --

8 (Reporter interrupted.)

9 THE WITNESS (By the interpreter): I went to ask
10 him in a jokingly manner.

11 BY MR. SWEET:

12 Q. When you saw LS X lying on Mr. Johnson's bed, were his
13 pants off or on?

14 A. (By the interpreter) I did not see because the blankets
15 was covered. The cover -- the blanket was made.

16 (Reporter interrupted.)

17 THE WITNESS (By the interpreter): Covered. There
18 was a cover. The blanket covered.

19 BY MR. SWEET:

20 Q. Was Mr. Johnson under the blankets or somewhere else?

21 A. (By the interpreter) Inside the blanket. He was
22 sleeping on the bed.

23 Q. What words do you remember LS X saying to you about
24 Mr. Johnson touching or sucking his penis?

25 MR. WEINERMAN: Objection; asked and answered.

15:21:18 1 Hearsay.

2 THE COURT: Overruled. Go ahead.

3 THE WITNESS (By the interpreter): He only told me
4 once. That's all I remember.

5 BY MR. SWEET:

6 Q. Do you remember the words he used to you?

7 A. (By the interpreter) He said, "He sucked my dick once."

8 Q. In which location was this at, that LS X said that to
9 you?

10 A. (By the interpreter) It was the place in which I -- in
11 my bedroom where I slept.

12 Q. And is that -- put up 139, please.

13 Was that this location?

14 A. (By the interpreter) Yes.

15 Q. LT XXXXXXXX, how long did you live at this location?

16 A. (By the interpreter) Two to three months.

17 Q. Did you move to this location from the second location?

18 Did the whole group move?

19 A. (By the interpreter) Yes.

20 Q. But you only stayed two or three months?

21 A. (By the interpreter) Yes.

22 Q. Two quick things that I want to clear up, LT XXXXXXXX.

23 When I showed you Exhibit 4, the boy in the red
24 sweatshirt, you say "ES XX" or "ES XX." Is that the same
25 person as ES XXX?

15:24:09 1 A. (By the interpreter) Yes.

2 Q. Same person, different pronunciation of the name?

3 A. (By the interpreter) Yes.

4 Q. And could you pull up 151, please.

5 And on your passport, LT XXXXXXXX, I just want

6 to -- I want to clarify your birthdate.

7 Is it XXXXXXXX, 1997?

8 A. (By the interpreter) Yes. Yes.

9 Q. Thank you.

10 And so LT XXXXXXXX, I want to ask you about -- I

11 want to ask you if you remember what time of year it was you

12 left the orphanage, you left Hope Transitions Center. Was

13 it before Christmas? Was it after Christmas?

14 A. (By the interpreter) Before.

15 Q. Do you -- I'd like to talk to you about why you left

16 Hope Transitions Center. Is that something you can talk

17 about, LT XXXXXXXX?

18 A. (By the interpreter) At that time, at that time I left

19 there, I left there because there was some kind of problem

20 or issues.

21 Q. Okay. I'd like to talk to you a little bit about the

22 problem. Okay?

23 So LT XXXXXXXX, can you tell me where the problem

24 happened, please?

25 A. (By the interpreter) In the house.

15:26:54 1 Q. And did it -- where in the house did it happen?
2 A. (By the interpreter) Inside the house, once and for
3 all.
4 Q. And was the problem with Daniel Johnson?
5 A. (By the interpreter) Yes.
6 Q. And were you asleep when the problem happened?
7 A. (By the interpreter) Yes.
8 Q. Were you awoken?
9 A. (By the interpreter) Yes.
10 Q. And what woke you up?
11 A. (By the interpreter) He touched me, and then I was
12 awoken.
13 Q. Is "he" Daniel Johnson?
14 A. (By the interpreter) Yes.
15 Q. And can you tell us where he touched you?
16 A. (By the interpreter) He touched my penis, and I was
17 awakened.
18 Q. And what did you do?
19 A. (By the interpreter) I opened the door and left.
20 Q. Were you in someone's room?
21 Did you leave someone's room?
22 A. (By the interpreter) I was in my -- in my sleeping
23 area.
24 Q. Were -- when he touched you, was it under your shorts
25 or -- was it under your pants or over your pants?

15:29:01 1 A. (By the interpreter) On my pants. On top of my pants.
2 Q. Did you say anything to Daniel Johnson?
3 A. (By the interpreter) No.
4 Q. Did it happen a second time?
5 A. (By the interpreter) He touched two to three times.
6 Q. And where did it happen the second time?
7 What room were you in?
8 A. (By the interpreter) In the bedroom with him.
9 Q. And were you awake or asleep?
10 A. (By the interpreter) I was asleep.
11 Q. And what woke you up?
12 A. (By the interpreter) He touched himself. He touch me.
13 I -- I was awakened.
14 Q. And did you say he also touched himself? Daniel
15 touched himself?
16 A. (By the interpreter) He touched me.
17 Q. Where did he touch you?
18 A. (By the interpreter) In the bedroom.
19 Q. Okay. And what part of your body did he touch you?
20 A. (By the interpreter) He touched my penis on top of my
21 pants.
22 Q. And what did -- and did that wake you up?
23 A. (By the interpreter) Yes.
24 Q. Did you say anything to Daniel Johnson?
25 A. (By the interpreter) No. I opened -- no. Opened the

15:31:29 1 door and left.

2 Q. How did you feel?

3 A. (By the interpreter) Angry and -- angry, open the door,

4 and left.

5 Q. And can you tell us about the third time?

6 Where did it happen?

7 A. (By the interpreter) In his room.

8 Q. And were you awake or asleep?

9 A. (By the interpreter) Sleep.

10 Q. And did something wake you up?

11 A. (By the interpreter) Yes.

12 Q. What woke you up, LT XXXXXXX?

13 A. (By the interpreter) My body was touched, so I was

14 awoken.

15 Q. And who touched you?

16 A. (By the interpreter) Daniel.

17 Q. Where did he touch you?

18 A. (By the interpreter) Touched nearby my penis, and I was

19 awakened or awoken.

20 Q. Was -- when you say he touched nearby your penis, was

21 it your leg? Was it your testicles? Where was it?

22 A. (By the interpreter) My thigh. Right here.

23 Q. And what was Daniel wearing?

24 A. (By the interpreter) He has a pants for sleeping at

25 night.

15:33:27 1 Q. And after you woke up, what did you do?

2 A. (By the interpreter) Left outside.

3 Q. Outside the room or outside the building?

4 A. (By the interpreter) I went outside -- outside the room

5 and went to the -- my sleeping quarter.

6 Q. And how did you feel about that? How did you feel

7 towards Mr. Johnson?

8 A. (By the interpreter) I was angry at him because he was

9 touching in that way.

10 Q. When you say "in that way," can you describe it? In

11 what way was he touching you?

12 A. (By the interpreter) Touching. Before he's touching my

13 penis, he touched in that way. I was angry.

14 Q. And while this was happening, did you ever see Daniel

15 Johnson touch his own penis?

16 A. (By the interpreter) No.

17 Q. And when he was touching you, was he using his hand or

18 was he using something else?

19 A. (By the interpreter) He used his hand to touch.

20 Q. Did you talk to Mr. Johnson about this after any of

21 these three incidents?

22 A. (By the interpreter) No.

23 Q. Did you tell anyone else?

24 A. (By the interpreter) No.

25 Q. Did you think about telling the police?

15:36:28 1 A. (By the interpreter) No.

2 Q. And why not? Is there a reason why not?

3 A. (By the interpreter) No.

4 Q. Other than Mr. Johnson touching your penis, were you

5 happy at the orphanage at Hope Transitions Center?

6 A. (By the interpreter) No.

7 Q. You were -- so were you happy going to school?

8 A. (By the interpreter) Yes.

9 Q. And did you have friends at Hope Transitions Center?

10 A. (By the interpreter) Yes.

11 Q. And did you have enough food?

12 A. (By the interpreter) Yes.

13 Q. And did you get presents from sponsors?

14 A. (By the interpreter) Yes, I did.

15 Q. So were most things at the center good?

16 A. (By the interpreter) Yes.

17 Q. So what is it that made you decide to leave?

18 A. (By the interpreter) When I think about things, think

19 about things over, think it over, and then I have all these

20 issues or problems, I just don't want to live there anymore.

21 Q. Because of the touching?

22 A. (By the interpreter) Yes.

23 Q. And so how did you leave?

24 Did you -- did you tell Mr. Johnson you wanted to

25 leave?

15:38:52 1 A. (By the interpreter) The previous time I told him. And
2 when the first time I told him, he said he doesn't want me
3 to go. And then I didn't.

4 Q. When you say the previous time, is that after the first
5 time Mr. Johnson touched you?

6 A. (By the interpreter) No. No. I just said I don't want
7 to -- I want to -- I want to stop living here. I want to go
8 back to my town.

9 Q. And -- but this time when you left, did you tell
10 Mr. Johnson or did you just go?

11 A. (By the interpreter) I did not tell him. I just left.

12 Q. And where did you go live, LT XXXXXXXX?

13 A. (By the interpreter) I went to live in Kraches.

14 Q. And who did you go live with?

15 A. (By the interpreter) With my mom.

16 Q. And were you still able to go to school?

17 A. (By the interpreter) Yes.

18 Q. After you left -- let me ask -- stop. Back that up,
19 please.

20 How did you feel about leaving and your brother
21 still being there?

22 A. (By the interpreter) I was worried about him having
23 problems.

24 Q. About being touched by Mr. Johnson?

25 A. (By the interpreter) No. Like whatever problems he has

15:41:39

1 and I am not around, and I am his older brother.

2 Q. After you left the orphanage, did Mr. Johnson call you
3 a lot or send you messages a lot right after you left?4 A. (By the interpreter) Yes, he did call -- he did ask or
5 call me to come back and say, "Hey, you are still in school.
6 Come back and go to school."7 Q. Okay. And when you left the orphanage, was that about
8 a year or six months -- about how long was that before
9 Mr. Johnson was arrested?

10 A. (By the interpreter) I do not know. I forgot.

11 Q. Once Mr. Johnson was arrested, did he start sending you
12 a lot of Facebook messages?

13 A. (By the interpreter) Yes, he sent me messages.

14 Q. And did he ask you to come see him in jail?

15 A. (By the interpreter) Yes.

16 Q. And did you go see him?

17 A. (By the interpreter) Yes.

18 Q. And who did you go with?

19 A. (By the interpreter) With SO XXX and --

20 (Reporter interrupted.)

21 THE WITNESS (By the interpreter): With SO XXX

22 and --

23 BY MR. SWEET:

24 Q. SO XXXXXXXX.

25 A. (By the interpreter) And Piseth.

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(Reporter interrupted.)

INTERPRETER LAURENT: P-I-S-E-T-H.

BY MR. SWEET:

Q. And when -- did you talk to Mr. Johnson when you saw him at jail?

A. (By the interpreter) No. I just sat and looked at his face.

Q. Did he say anything to you about what he did, about the touching?

A. (By the interpreter) He didn't say anything. He just said, "I am sorry."

Q. He told you he was sorry?

A. (By the interpreter) He didn't tell me any story. He just said, "I am sorry," but I don't know what he's sorry about.

Q. Did he tell you what -- did he talk about the FBI?

A. (By the interpreter) No.

Q. Did he say anything -- do you remember if he said to not talk to the FBI?

A. (By the interpreter) He did.

Q. Did he say that to you or was it a Facebook message?

A. (By the interpreter) Facebook.

Q. And what do you recall him saying on Facebook?

A. (By the interpreter) He just said, Don't say anything to the FBI -- don't say anything to the FBI. I only said

15:46:09 1 that -- I only read it briefly.

2 Q. And LT XXXXXXXX, did you have two Facebook accounts that
3 you used?

4 A. (By the interpreter) Yes.

5 Q. And did Mr. Johnson send you messages on both accounts?

6 A. (By the interpreter) No. Only the one on LT XXXXXXXX
7 XXXXXXXX.

8 Q. Did you get some money sent to you by anyone after
9 Mr. Johnson was arrested?

10 A. (By the interpreter) No.

11 Q. Did Gary Johnson -- do you remember if Gary Johnson
12 sent you any money?

13 A. (By the interpreter) Yes. Yes, he -- he had for me
14 to -- for spending and to pay rent and *et cetera*.

15 Q. And did he send you money before Mr. Johnson was
16 arrested or after Mr. Johnson was arrested?

17 A. (By the interpreter) Before.

18 Q. And what about a phone? Did you get -- did Mr. Johnson
19 get you a phone or give you money for a phone?

20 A. (By the interpreter) No.

21 Q. Did you talk to the police or the FBI after Mr. Johnson
22 was arrested?

23 A. (By the interpreter) No.

24 Q. Did you want to talk to the police or the FBI?

25 A. (By the interpreter) No.

15:48:49 1 Q. Why not?

2 A. (By the interpreter) Oh, I am too lazy to -- to be

3 involved in such messiness.

4 Q. Is it something you didn't want to talk about?

5 A. (By the interpreter) Frankly speaking, I don't want to

6 get involved.

7 Q. I want to ask you -- I want to make sure I understand

8 something.

9 Could we pull up Exhibit 43, please.

10 Do you see that, to your left?

11 A. (By the interpreter) Yes.

12 Q. And this has been previously admitted.

13 And who is that, please?

14 A. (By the interpreter) My younger sibling.

15 Q. And what's his name?

16 A. (By the interpreter) RT XX.

17 Q. And he also lived with you?

18 Did he also live with you at Hope Transitions

19 Center?

20 A. (By the interpreter) Yes.

21 Q. And when you left Hope Transitions Center, was it RT XX

22 that was still staying there?

23 A. (By the interpreter) Yes, sir.

24 Q. Did Mr. Johnson ask you to come see him in jail a lot,

25 if you remember?

15:50:43 1 A. (By the interpreter) Got to twice.
2 Q. You went twice?
3 A. (By the interpreter) Yes.
4 Q. I'd like to show you a few Facebook messages for a
5 minute. Okay?
6 A. (By the interpreter) Yes.
7 MR. SWEET: If you could pull up Exhibit 164.
8 And, Your Honor, this has been admitted.
9 BY MR. SWEET:
10 Q. And can you see that, LT XXXXXXXX?
11 A. (By the interpreter) Yes.
12 Q. It will get bigger. Just one second. Can you -- can
13 you see that clearly, LT XXXXXXXX?
14 Do you need it bigger?
15 A. (By the interpreter) That's good.
16 Q. Okay. So at the top it says LT XXXXXXXX. Is that your
17 Facebook account?
18 A. (By the interpreter) Yes.
19 Q. And that's actually one of your two Facebook accounts?
20 A. (By the interpreter) Yes, just the name changing.
21 Q. Okay. And then it says "Author, Johnson Daniel."
22 Do you see that?
23 A. (By the interpreter) Yes.
24 Q. And does it say, "I tried calling you but it off. I
25 will call you tomorrow about 9:00 p.m., LT XXXXXXXX."

15:52:45 1 I should have said, "LT XXXXXXXX, I love you very,
2 very, very much."

3 Is that -- did Mr. Johnson send you a lot of
4 messages like that?

5 A. (By the interpreter) Yes.

6 Q. And at the bottom there's another message, June 25th,
7 2014: "I will hold your hand and walk with you forever."

8 A. (By the interpreter) Yes. Yes.

9 Q. And did Mr. Johnson send you a lot of messages like
10 that?

11 A. (By the interpreter) Yes.

12 Q. Go to page 10, please.

13 And at the top, to PoZz Ra from Johnson Daniel,
14 "You are my light."

15 And then down at the bottom, "And my life."

16 Is that the kind of message he sent you?

17 A. (By the interpreter) Yes.

18 Q. Just a couple more.

19 On page 11, I have a question for you. Top of
20 page 11.

21 At the top, from Johnson Daniel, it says, "Love
22 Jayden."

23 What does Jayden mean to you?

24 A. (By the interpreter) That is a name that he called me
25 teasingly.

15:55:24

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(Reporter interrupted.)

THE WITNESS (By the interpreter): Teasingly or
jokingly.

BY MR. SWEET:

Q. Did he talk to you about switching your name to Jayden
Johnson?

A. (By the interpreter) Yes.

Q. And was it -- did he ask you to come see him a lot in
the jail?

A. (By the interpreter) He asked me once to go -- he asked
me to go see him once, and after that I never got to look at
the messages.

Q. So would he send you a lot of messages and you would
only respond pretty rarely?

A. (By the interpreter) Yes.

Q. Would he count the number of days it had been since he
had seen you?

"Love you, LT XXXXXXXX. I haven't seen you in 23
days."

Would he send you messages like that?

A. (By the interpreter) Yes. I don't know because I
didn't -- I never got a chance to look at it.

Q. So you didn't look at all the messages he sent you?

A. (By the interpreter) Yes.

Q. And LT XXXXXXXX, did you talk to the FBI in Cambodia

15:57:25 1 about two months ago about the problems?

2 A. (By the interpreter) Yes.

3 Q. LT XXXXXXXX, the FBI wanted to talk to you a few years

4 ago, and you said you didn't want to go through the trouble.

5 You didn't want to be involved; is that right?

6 A. (By the interpreter) Yes.

7 Q. And what changed your mind, LT XXXXXXXX?

8 A. (By the interpreter) Because I was called to come and

9 talk. I wanted to come. You -- you wanted to talk, so I

10 just wanted to come and tell you.

11 Q. And did your brother ask you to come talk to us?

12 A. (By the interpreter) Yes, my younger sibling asked me

13 and said, "Whatever you know, just tell them."

14 Q. And so did you come to Phnom Penh and talk to the FBI

15 and the prosecutors?

16 A. (By the interpreter) Yes, I went to speak with them at

17 the embassy.

18 Q. Was it comfortable for you? I mean, was it hard for

19 you to talk about Daniel Johnson touching you?

20 A. (By the interpreter) Yes.

21 Q. And LT XXXXXXXX, we -- you, me, the FBI, we talked about

22 this a few days ago, too; is that right?

23 A. (By the interpreter) Yes.

24 Q. And you talked to the FBI about two months ago in Phnom

25 Penh; is that right?

16:00:02 1 A. (By the interpreter) Yes.

2 Q. And LT XXXXXXXX, those -- and including today, the three
3 times we have talked, there's some things you have given
4 more detail on and some things you have given less detail
5 on. Is that correct?

6 MR. WEINERMAN: Objection; leading.

7 THE COURT: Overruled.

8 THE WITNESS (By the interpreter): Yes.

9 BY MR. SWEET:

10 Q. LT XXXXXXXX, when you say that Daniel Johnson touched
11 your penis, are you telling the truth?

12 A. (By the interpreter) Yes.

13 MR. SWEET: Thank you. I have no further
14 questions.

15 THE COURT: All right. Cross-examination.

16 **CROSS-EXAMINATION**

17 BY MR. WEINERMAN:

18 Q. Is it all right if I call you Mr. LT XXXXXXXX as well?

19 A. (By the interpreter) Yes.

20 Q. My name is Craig Weinerman. I represent Daniel
21 Johnson. I have some questions.

22 You are now 19 years old?

23 A. (By the interpreter) 20.

24 Q. Sorry.

25 And the abuse that you say happened was five, six

16:01:51 1 years ago?

2 A. (By the interpreter) Yes.

3 Q. And you never told anyone about it until you met with

4 the FBI on March 9th of this year?

5 A. (By the interpreter) Yes.

6 Q. No one? No one? You didn't tell anyone?

7 A. (By the interpreter) Yes.

8 Q. Not your brother?

9 A. (By the interpreter) Yes.

10 Q. Not your good friend, BT XXXXXXXX?

11 A. (By the interpreter) Yes.

12 Q. No adults?

13 A. (By the interpreter) Yes.

14 Q. You didn't tell your mother?

15 A. (By the interpreter) Yes.

16 Q. And you testified a minute ago that the reason you

17 didn't say anything is you didn't want to get involved.

18 A. (By the interpreter) Yes.

19 Q. And then you were asked what changed your mind, right?

20 A. (By the interpreter) Yes.

21 Q. And you said you changed your mind because the FBI

22 wanted to talk to you.

23 A. (By the interpreter) Yes.

24 Q. But the FBI has wanted to talk to you for many years

25 and you didn't respond to them, correct?

16:03:42 1 A. (By the interpreter) Yes.

2 Q. But what changed your mind was you became aware that
3 many of your friends were coming to the United States to
4 testify in the trial of Daniel Johnson?

5 A. (By the interpreter) Yes, because I want to be here to
6 talk about what is the truth.

7 Q. Okay. And there are other reasons you want to be here,
8 correct?

9 A. (By the interpreter) Yes.

10 Q. So you heard when you were still in Cambodia that your
11 brother, BT XXXXXXX, and some of your other friends were
12 coming here and the trip was being paid by the FBI.

13 Is that true?

14 A. (By the interpreter) Yes.

15 Q. So you knew they were offering to pay for the travel
16 expenses?

17 A. (By the interpreter) Generally speaking, I really
18 didn't want to be here. I didn't want to come. It's
19 because I want to come here and tell all about what
20 happened, what's going on.

21 And also when I am -- like in the middle of my
22 work they would often call me to question about this, about
23 that. And I just want to be done with it, once and for all.

24 Q. But for years and years you never talked to them and
25 just ignored them.

16:06:22 1 A. (By the interpreter) It is because when I started to
2 work and then the questioning made it really troublesome for
3 me, and it's hard for me, and I -- it's hard for me. And so
4 then when I come here, I don't get to work.

5 Q. You work?

6 A. (By the interpreter) Yes.

7 Q. What type of job do you have?

8 A. (By the interpreter) I am sorry?

9 Q. What type of job do you have?

10 A. (By the interpreter) I work with gold, like necklaces,
11 making -- and bracelet -- you know, normal stuff.

12 Q. And how much do you get paid?

13 A. (By the interpreter) What kind of money?

14 Q. Yes. How much money?

15 A. (By the interpreter) It's depending on the days,
16 whether the -- what's the profit is little or a lot.

17 Q. What's the most money you have ever made at that job,
18 in American dollars?

19 A. (By the interpreter) In a month, \$700.

20 Q. How much?

21 A. \$700.

22 Q. Seven hundred American dollars in a month?

23 A. (By the interpreter) Yes.

24 Q. How many times has that happened?

25 A. (By the interpreter) I work there for almost a year,

16:08:52 1 and sometimes I get \$600; a hundred dollar less, normally,
2 but mostly 700.

3 Q. A month?

4 A. (By the interpreter) Yes.

5 Q. What's the name of the place where you work?

6 A. (By the interpreter) Open the store to make gold.

7 Q. And that's in what town or what city?

8 A. (By the interpreter) In Phnom Penh.

9 Q. Phnom Penh?

10 INTERPRETER LAURENT: Phnom Penh, mm-hmm.

11 BY MR. WEINERMAN:

12 Q. So this is a financial sacrifice for you to come here
13 to testify in this case?

14 A. (By the interpreter) Yes. I lost.

15 Q. Okay. So you could make more money staying in Cambodia
16 than coming here to testify. Is that what you are saying?

17 MR. SWEET: Objection, Your Honor. I don't think
18 counsel's laid a proper foundation that LT XXXXXXXX actually
19 knows how much money he will be getting. I mean, I think he
20 can get there. I just think it takes another question or
21 two first.

22 MR. WEINERMAN: I think he can answer that.

23 THE COURT: If he can answer it, he can answer it.
24 If not, we may need to lay more of a foundation.

25 INTERPRETER LAURENT: I don't remember the

16:10:34 1 question.

2 MR. WEINERMAN: That's all right. I don't either,
3 so.

4 BY MR. WEINERMAN:

5 Q. So you -- have you been told by any of the gentlemen
6 and ladies sitting over there, or the FBI agent sitting back
7 here, how much money you are going to get per day to be here
8 to testify in the Daniel Johnson case?

9 A. (By the interpreter) No. I -- I -- they never told me
10 the amount or how much I would get, you know. In fact, I
11 had to prepare my own money for spending, just in case.
12 They didn't give a chance -- they didn't tell me the amount
13 at all until we got here.

14 Q. So no one told you that you are going to get \$99 a day?

15 A. (By the interpreter) Yes.

16 Q. No one told you? No one?

17 A. (By the interpreter) No -- yes.

18 INTERPRETER LAURENT: I am sorry.

19 THE WITNESS (By the interpreter): I didn't hear
20 him. What did you say?

21 BY MR. WEINERMAN:

22 Q. Before you left Cambodia, did anybody from the
23 government tell you you would get witness fees and expenses
24 in the amount of \$99 per day if you came to the United
25 States to testify?

16:12:53 1 A. (By the interpreter) I want to tell you I swear with my
2 right hand that no one told me anything about the amount of
3 money about -- for this, for that, at all. I came here
4 freely and voluntarily.

5 Q. Since you have been here, has anybody told you you are
6 going to get \$99 a day to testify?

7 A. (By the interpreter) Even -- even up to this moment, I
8 don't know about the money for testifying. I just know
9 about the money for food and other things to -- to -- for
10 sustenance.

11 Q. Okay. How much are you getting for that?

12 A. (By the interpreter) 500.

13 Q. 500 a day? A week? A month?

14 A. (By the interpreter) A week. A week.

15 Q. 500 a week?

16 A. (By the interpreter) Yes.

17 Q. So you are going to make a lot more money if you are
18 here for a month than you would if you would be working in
19 Cambodia where you say you make \$600 a month?

20 A. (By the interpreter) Yes. That's a lot because I work
21 for a month.

22 Q. So 500 a week is 2,000 a month, right?

23 A. (By the interpreter) Yes.

24 Q. So who told you that?

25 A. (By the interpreter) Once I arrived here, when I got

16:15:50 1 here they took us to cash the money for food and stuff like
2 that. That's when I found out the amount.

3 Q. Can you tell us who told you that?

4 A. (By the interpreter) The -- the older lady sitting over
5 there.

6 Q. Well, I am not even going to try to figure out who that
7 is.

8 It's somebody back there, right?

9 A. (By the interpreter) Yes. I think her name is Kee or
10 Keeley or something like that. She told me her name, but I
11 forgot.

12 Q. Okay.

13 A. (By the interpreter) There are so many names, I can't
14 remember them all.

15 Q. I know how you feel.

16 So you are telling us that your good friend -- and
17 BT XXXXXXXX is a good friend of yours, right?

18 A. (By the interpreter) Yes. He is like my own flesh and
19 blood.

20 Q. BT XX?

21 A. (By the interpreter) Yes.

22 Q. And you have been communicating him -- with him on
23 Facebook ever since he left the United States about five
24 years ago?

25 A. (By the interpreter) I do not have any contact with

16:17:34 1 BT XX. I do not know his Facebook name.

2 Q. When is the last time you Facebooked BT XX?

3 A. (By the interpreter) When I came to the United States
4 and he came to visit, and that's when he asked me for my
5 Facebook name.

6 Q. Came to visit you where?

7 A. (By the interpreter) In the hotel. And he came, he
8 said, "How come I don't know your Facebook name? I wanted
9 to chat and visit you on the -- my chitchat, and I don't
10 know it. So can I have it?" And I gave it to him.

11 Q. So you just talked to him since you have been in the
12 United States, right?

13 A. (By the interpreter) Yes.

14 Q. Before this time, when's the last time you communicated
15 with him?

16 I will ask that again. That wasn't a good
17 question.

18 When was the last time you communicated with BT
19 XXXXXXXX when you were in Cambodia and he was in the United
20 States?

21 A. (By the interpreter) I never chat with him with -- with
22 older BT XX, I never have any contact or relation.

23 Q. All right. Can we show -- this is Defense Exhibit

24 70 -- no. I am sorry. 700 and -- no, this will be
25 published and the government -- well, it has writing on it.

16:19:52 1 So, Judge, we would move this as defense next in
2 order. I think it's 702.

3 THE COURT: Any objection?

4 MR. SWEET: I am sorry. Was there a question?

5 THE COURT: Is there an objection to the exhibit?

6 MR. SWEET: No objections, Your Honor.

7 THE COURT: All right. It will be received.

8 BY MR. WEINERMAN:

9 Q. So this is a Facebook page from one of your Facebook
10 accounts?

11 A. (By the interpreter) Yes.

12 Q. Do you recognize it?

13 A. (By the interpreter) Yes.

14 Q. And on your Facebook page you have a photo of you and
15 BT XX together, right?

16 A. (By the interpreter) No. That's just my face. My
17 picture.

18 Q. Yeah. Well, unfortunately we have a miscommunication
19 here. Sorry.

20 A. (By the interpreter) My Facebook page never have older
21 BT XX's picture.

22 Q. All right. We are trying to find it. You are correct
23 that the one you looked at does not have BT XX's photo. We
24 are trying to find it.

25 MR. SWEET: Your Honor, before we publish

1 something we have not seen, I am not sure what we are
2 talking about.

3 (Counsel conferred.)

4 MR. SWEET: No objection, Your Honor. Hang on one
5 second. Actually --

6 (Counsel conferred.)

7 MR. SWEET: I guess just in terms of foundation,
8 Your Honor, whose account -- Your Honor, I am not sure we
9 know whose account this is.

10 THE COURT: Let's ask. Don't publish it to the
11 jury. Let's ask before we publish it to the jury.

12 MR. WEINERMAN: Excuse me, Judge?

13 THE COURT: Let's ask before we publish it to the
14 jury.

15 MR. WEINERMAN: So can the witness see the --

16 THE COURT: Yes.

17 MR. WEINERMAN: He can. All right.

18 BY MR. WEINERMAN:

19 Q. Is that the Facebook page for the account of LT XXXXXXXX
20 XXXXXXXX?

21 A. (By the interpreter) Yes.

22 Q. Okay. That's you, right?

23 A. (By the interpreter) Yes.

24 Q. Okay. And on the Facebook page is a photograph of you
25 with BT XXXXXXXXXXXXXXXX?

16:23:05 1 A. (By the interpreter) Where? Which one is BT XX?

2 Q. Well, there's some text that says LT XXXXXXXXXXXXXXXX is
3 with BT XXXXXXXXXXXXXXXX and 76 others. And there's
4 photographs underneath that.

5 MR. SWEET: Your Honor, I object. They are
6 talking about a photo of BT XXXXXXXX, and there's apparently
7 no photo of him on here. It's a minuscule photograph from
8 August of 2014 for a different Facebook account that we are
9 talking about to begin with, and with 76 other people in
10 this photograph. This is premature, and a foundation has
11 not been laid for this.

12 THE COURT: I think we have got to allow Mr.
13 Weinerman to lay a foundation, so --

14 MR. SWEET: And Your Honor, Mr. Sinha knows
15 Facebook, but I don't. I am going to let him --

16 THE COURT: Let's let Mr. Weinerman ask a few
17 questions if he can establish foundation.

18 BY MR. WEINERMAN:

19 Q. All right. So this is not a photograph of BT XXXXXXXX,
20 I am now told.

21 A. (By the interpreter) That's my friend's picture.

22 Q. Okay. But you mentioned BT XXXXXXXX on your Facebook
23 page, right?

24 A. (By the interpreter) No, I never. I never have it.

25 THE COURT: He is not laying a foundation. Fine.

16:24:57 1 I understand what's going on on the Facebook page.

2 BY MR. WEINERMAN:

3 Q. So when you say on the Facebook page that you, LT
4 XXXXXXXXXXXXXXXX, is with BT XXXXXXXXXXXXXXXX, it means you are
5 tagging him?

6 THE COURT: Mr. Weinerman, that's Facebook saying
7 that.

8 MR. WEINERMAN: Okay.

9 THE COURT: It's not -- it's not --

10 MR. WEINERMAN: I am as familiar with Facebook as
11 Mr. Sweet, so --

12 THE COURT: I end up being with all sorts of
13 people without writing notes on Facebook. It just happens.

14 MR. SWEET: So is this withdrawn? Is 702
15 withdrawn?

16 MR. WEINERMAN: Yes, we will withdraw it. I
17 apologize for not knowing more about Facebook than I should.

18 BY MR. WEINERMAN:

19 Q. So before you came over to the United States to
20 testify, you knew your brother, RT XX, had talked to the
21 FBI?

22 A. (By the interpreter) Yes.

23 Q. And you knew he was coming over?

24 A. (By the interpreter) Yes.

25 Q. And he wanted you to come as well?

16:26:39 1 A. (By the interpreter) Yes.

2 Q. And did you talk to him about what you were expected to

3 say if you were going to be able to come to the United

4 States?

5 A. (By the interpreter) Yes.

6 Q. That you were going to have to testify that Daniel

7 Johnson sexually touched you?

8 A. (By the interpreter) Yes.

9 Q. And you decided that you were going to talk to the FBI

10 and tell them that?

11 A. (By the interpreter) Yes.

12 Q. So I want to ask you some questions about Gary Johnson.

13 You met Gary Johnson at Hope Transitions Center

14 when he was visiting a few years ago?

15 A. (By the interpreter) Yes.

16 Q. And he took a liking to you?

17 A. (By the interpreter) Yes.

18 Q. And this all happened before Daniel Johnson was

19 arrested?

20 A. (By the interpreter) Yes.

21 Q. And he started sending you sponsorship money every

22 month, correct?

23 A. (By the interpreter) Yes. Yes.

24 Q. A hundred dollars a month?

25 A. (By the interpreter) Yes.

16:28:38 1 Q. And that helped you with your expenses in Cambodia?

2 A. (By the interpreter) Yes.

3 Q. And that started in 2012?

4 A. (By the interpreter) Yes.

5 Q. Maybe even earlier?

6 A. (By the interpreter) Yes.

7 Q. So Daniel Johnson's family, or at least his brother,
8 has taken an interest in you for a very, very long time?

9 A. (By the interpreter) Yes.

10 Q. And that continued after Daniel Johnson was arrested?

11 A. (By the interpreter) Yes.

12 Q. And that hundred dollars a month continued until very
13 recently; is that true?

14 A. (By the interpreter) I -- I am forgetting most of it,
15 sir, because the contact via the Facebook page, mostly I let
16 my younger brother is the one who play with it or respond
17 with it. And whatever money or sponsorship that are
18 involved or being sent, I let him use it for his expenses
19 because I don't want to get -- yes, because I already have
20 my own work. And I thank him so much for him helping me
21 with my education, with housing, and paying for the rent and
22 stuff like that. I thank you.

23 Q. When did he stop sending money?

24 A. (By the interpreter) I do not know when it stopped
25 because my -- I heard my brother said -- because he is the

16:31:48 1 one who receive the money to go pay for the school and
2 et cetera.

3 Q. Did it stop before you went to see the FBI in Cambodia
4 on March the 9th of this year?

5 THE INTERPRETER: I am sorry, Your Honor. I could
6 not make sense of what he just said.

7 THE COURT: Okay. Ask for clarification.

8 THE WITNESS (By the interpreter): I think he
9 supported my -- me for about a year. However, my younger
10 brother took that money to pay for his school and I did not
11 get. And then my younger sibling said thank you for helping
12 him to -- and having the opportunity to go to school.

13 And once the supporting stopped, I also provided.
14 I helped out with some of the expenses, money for the
15 expense to help pay for the school.

16 Q. When did the Gary Johnson money stop?

17 MR. SWEET: Your Honor, I think this has been
18 asked and answered.

19 MR. WEINERMAN: He's never answered the question.
20 He's never answered.

21 THE COURT: Let's see if he can answer the
22 question directly. Go ahead.

23 THE WITNESS (By the interpreter): I do not know
24 because my younger sibling is the one who received it.

25 THE COURT: Okay.

16:34:24 1 BY MR. WEINERMAN:

2 Q. So I know you don't know when the money stopped, but
3 when you were getting the money, were you getting it through
4 Western Union?

5 A. (By the interpreter) Yes.

6 Q. And when you were collecting --

7 THE INTERPRETER: Uh --

8 MR. WEINERMAN: Sorry.

9 THE INTERPRETER: Your Honor, I apologize once
10 again. The witness's answer doesn't make sense.

11 THE COURT: All right. Ask for clarification.

12 THE WITNESS (By the interpreter): I am trying to
13 say that he helped me with the money. And now that I am
14 here to testify and you are bringing the money that he
15 helped me to talk about it. If I knew that, I wouldn't -- I
16 wouldn't take the money.

17 BY MR. WEINERMAN:

18 Q. So does your brother use your Facebook and your ID card
19 to collect the money from Western Union?

20 A. (By the interpreter) Yes. Yes.

21 Q. So your brother is using your Facebook account, right?

22 A. (By the interpreter) Only my younger sibling, that's
23 the one who is chatting and -- but my ID is also with him.

24 Q. We are talking now about RT XX?

25 A. (By the interpreter) Yes.

16:37:07 1 Q. Now, you testified that you left Hope Transitions
2 Center sometime after Daniel touched you, correct?

3 A. (By the interpreter) Yes.

4 Q. Isn't it true that you were having problems at school
5 with some boys who were fighting you or threatening you?

6 A. (By the interpreter) Yes. When I was in school, you
7 know, I -- we were arguing, we were fighting with friends
8 among friends, and we fight.

9 Q. Okay. But weren't you threatened more seriously?

10 A. (By the interpreter) I don't know. I forgot about it.

11 Q. Okay. Did any boys threaten you with knives?

12 A. (By the interpreter) No.

13 Q. Has Daniel Johnson been interested in you going to
14 school?

15 THE INTERPRETER: I am sorry, Counselor. I
16 couldn't hear you because I was fiddling with this.

17 MR. WEINERMAN: That's okay. I am going to
18 rephrase the question.

19 BY MR. WEINERMAN:

20 Q. Has Daniel Johnson always encouraged you to go to
21 school?

22 A. (By the interpreter) Yes.

23 Q. He thought it was important for you to get a good
24 education?

25 A. (By the interpreter) Yes.

16:39:39 1 Q. And he pushed you to do that?

2 A. (By the interpreter) Yes.

3 Q. And that's the word he used? Pushed you? Or pushed
4 you to do better, to go to school?

5 A. (By the interpreter) Yes.

6 Q. So after all this is over and you are done testifying,
7 are you going to try to stay in the United States?

8 A. (By the interpreter) Not at all. I want to go back and
9 live in Cambodia.

10 Q. Okay. You are not going to -- you don't have any plans
11 to talk to anybody after your testimony to see if you can
12 stay in the United States?

13 A. (By the interpreter) Because I think, whether I live in
14 the United States or in Cambodia, it's the same because I
15 have my job, my -- my define job.

16 Q. When BT XXXXXXXX visited you at the hotel the other day,
17 did he tell you that he is staying in the United States?

18 MR. SWEET: Objection; hearsay, Your Honor.

19 THE COURT: Sustained.

20 MR. WEINERMAN: Well, BT XXXXXXXX is going to
21 testify, so he can be cross-examined on that.

22 THE COURT: He hasn't testified yet.

23 MR. WEINERMAN: So Judge, I would say it's not
24 being admitted for the truth but to establish the state of
25 mind of the witness.

16:41:40

1 THE COURT: Sustain the objection.

2 MR. WEINERMAN: Thank you. No further questions.

3 THE COURT: Any redirect?

4 **REDIRECT EXAMINATION**

5 BY MR. SWEET:

6 Q. Just a few things, LT XXXXXXXX. This won't take long.

7 I just want to clarify, when you said you were
8 thankful to Gary Johnson for giving you support, is that
9 Daniel Johnson's brother you are thankful to?

10 A. (By the interpreter) Yes, I thank Gary Johnson for
11 helping me. However, if I knew he would bring that money
12 and wish that he help me to question me about it in the
13 court, I would not have taken that money.

14 Q. But you are thankful to Gary for what he did for you
15 and your brother; is that right?

16 A. (By the interpreter) Yes, I will always be thankful to
17 him for his help.

18 Q. And LT XXXXXXXX, when you spoke to the FBI in Phnom Penh
19 in March and you told the FBI that Daniel Johnson touched
20 your penis, was that the truth?

21 MR. WEINERMAN: Objection; asked and answered,
22 beyond the scope of direct.

23 THE COURT: Sustained. He has answered the
24 question.

25 BY MR. SWEET:

16:43:35 1 Q. You said a minute ago you knew if you came to America
2 you would be testifying; is that correct?

3 A. (By the interpreter) I knew.

4 Q. And LT XXXXXXXX, you arrived in America last week; is
5 that correct?

6 A. (By the interpreter) Yes.

7 Q. And you are scheduled to leave, I believe it's
8 May 20th; is that right?

9 A. (By the interpreter) Can you say it again, please?

10 Q. And your return flight is scheduled May 20th, correct?
11 Or on or about May 20th?

12 A. (By the interpreter) Yes.

13 Q. Okay. Your witness fee and your daily expense fee,
14 those are set and those aren't going to change. Do you
15 understand?

16 A. (By the interpreter) Yes.

17 Q. Okay. So since that's not going to change, let me just
18 ask you this: Did Daniel Stephen Johnson touch your penis
19 in Cambodia at Hope Transitions Center?

20 MR. WEINERMAN: Objection; asked and answered.

21 MR. SWEET: He's been accused --

22 THE COURT: It has been asked and answered.
23 Sustained.

24 MR. SWEET: I have nothing further. Thank you,
25 LT XXXXXXXX.

16:45:14 1 THE COURT: All right. Thank you very much, sir.
2 Feel free to step down. You may have to be available later
3 if you are needed.

4 THE WITNESS (By the interpreter): Yes, sir.
5 May I step down now?

6 THE COURT: Yes.

7 THE WITNESS (By the interpreter): Yes, sir.

8 THE COURT: The translator can step down, too.

9 Folks, that concludes our testimony for today. We
10 will start back up tomorrow morning at nine o'clock and
11 continue with testimony at that time. So we'll see all of
12 you at nine o'clock.

13 Again, please remember the rules about talking to
14 other people about the case and about looking up any
15 information with the case. With that, thank you very much
16 for your patience with us today.

17 (Jury out.)

18 THE COURT: Anything we need to discuss?

19 MR. SWEET: Nothing from the government.

20 MR. WEINERMAN: Not from the defense, Judge.

21 THE COURT: Okay. We'll see everybody in the
22 morning at nine o'clock. Thank you.

23 MS. BRITSCH: Thank you, Judge.

24 (The proceedings were concluded this
25 2nd day of May, 2018.)

1 I hereby certify that the foregoing is a true and
2 correct transcript of the oral proceedings had in the
3 above-entitled matter, to the best of my skill and ability,
4 dated this 2nd day of May, 2018.

5
6 /s/Kristi L. Anderson

7 Kristi L. Anderson, Certified Realtime Reporter
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